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# JOURNAL

OF THE

## THIRD SESSION

OF THE

## LEGISLATURE

OF THE

# STATE OF CALIFORNIA,

BEGUN

ON THE 5TH DAY OF JANUARY, 1852, AND ENDED ON THE  
4TH DAY OF MAY, 1852, AT THE CITIES OF  
VALLEJO AND SACRAMENTO.

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**JOURNAL**

OF THE

**PROCEEDINGS OF THE SENATE.**

MEMORIAL

PROCEEDINGS OF THE



# JOURNAL OF THE SENATE.

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## SENATE OF CALIFORNIA.

### THIRD SESSION.

#### IN SENATE.

JANUARY 5, 1852.

The Senate, pursuant to the provisions of the Act of last Session, entitled "an Act for the permanent location of the seat of Government," passed February 4th, 1851—assembled (at 12 M. this day) in the Senate Chamber at Vallejo, Hon. David C. Broderick in the chair. The roll was called by J. F. Howe, Secretary of the last Senate, as by law required, when the following gentlemen appeared and took their seats :

#### MEMBERS OF THE LAST SENATE (HOLDING OVER.)

Santa Clara—George B. Tingley.

San Francisco—David C. Broderick.

Marin, Mendocino and Sonoma—Martin E. Cooke.

San Joaquin—Thomas B. Van Buren.

Mariposa—James Miller.

Butte and Shasta—Joseph E. N. Lewis, in place of Mr. Adams, resigned.

#### NEW SENATORS.

4th District, Monterey and Santa Cruz—Philip A. Roach.

6th District, San Francisco—Frank Soule and Jacob R. Snyder.

8th District, Calaveras—John Y. Lind.

9th District, Tuolumne—A. Anderson and Paul K. Hubbs.

11th District, Sacramento—James H. Ralston.

12th District, El Dorado—Benjamin F. Keene and John Walton.

13th District, Placer—Jacob Frye.

14th District, Sutter—Philip W. Keyser.

15th District, Yuba—J. C. McKibben.

16th District, Nevada—James Walsh.

17th District, Butte—Charles F. Lott.

20th District, Solano and Napa—James M. Estill.

21st District, Yolo and Colusi—M. M. Wombough.

22d District, Trinity and Klamath—John A. Lyle and James W. Denver,  
(seat contested).

On motion of Mr. Estill, of Solano and Napa, the oath required by the Constitution, was administered to, and subscribed by, the newly elected Senators, by his Honor, Judge Hopkins, of the Seventh Judicial District, with the exception of those whose seats are contested.

Mr. Tingley, of Santa Clara, on his name being called, submitted the following protest, which was read and ordered to be entered upon the Journal :

VALLEJO, January 5, 1852.

We protest against the organization of the Legislature at Vallejo, for the following reasons :

First—Because M. G. Vallejo has not complied with his contract with the State ; on the contrary, from the report of the Superintendent of Public Buildings, he has failed to do so.

Second—Because said Vallejo will insist, if the Legislature should assemble in the building tendered by him, and the Officers of State occupy the offices tendered by him—that such act, on the part of the Legislature, is an acceptance of said buildings by the State, under his contract ; and, however inferior said buildings may be, the State will be bound by the action of this body, and can have no redress.

Third—Because no law exists, that is operative, changing the seat of Government from San Jose ; and if the act or agreement, on which the change is claimed by Vallejo, ever becomes operative or a law, it can only become so when the stipulation of his entire contract shall be strictly fulfilled, which is not required to be done until two years after the passage of said Act, or the date of the agreement between Vallejo and the State.

Fourth—Because at this time there is no suitable building provided by said Vallejo, for Legislative purposes, nor are buildings, in number, quality or security, provided for the Offices of State, calculated to safely protect the archives and property of the State, or in which the public business can be safely or conveniently transacted.

Fifth—Because our organizing here, and attempting to transact Legislative business under the existing facts within the knowledge and observation of every Senator here assembled, must necessarily prolong our session to an unusual and unnecessary period, at enormous cost and charge on the already over-burdened tax payers of our State.

Sixth—Because we believe M. G. Vallejo will not pay his bond or obligation to the State in fulfilment of his contract, to wit, the sum of \$370,000, in which event the law, by its own provision, becomes void. And we further believe that all legislation done at Vallejo, professedly under said law or agreement, in the event of his failing to pay said sum of money, will be wholly nugatory.

GEORGE B. TINGLEY,  
FRANK SOULE.

On motion of Mr. Van Buren, the question as to the right of Butte and Shasta to elect conjointly a Senator, in the place of Mr. Adams, resigned, and, in addition, a Senator from each of those Counties, as provided by the law of last Session, re-organizing the Senatorial and Assembly Districts—was referred to a Select Committee of five, and the President appointed as such Committee, Messrs. Van Buren, Estill, Keene, Tingley and Soule.

On motion of Mr. Cooke, the question as to the contested seat in Trinity and Klamath, including the credentials presented by Mr. Lyle from that District, was ordered to lie on the table.

On motion of Mr. Cooke, the Senate adjourned to 11 A.M. to-morrow.

DAVID C. BRODERICK,  
President of the Senate.

Attest:

J. F. HOWE,  
Secretary of the Senate.

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## IN SENATE.

TUESDAY, January 6, 1852.

The Senate met pursuant to adjournment.

The Hon. David C. Broderick in the chair.

The Journal of yesterday was read and approved.

Hon. Stephen C. Foster, Senator elect from Los Angeles, appeared, was qualified, and took his seat.

On motion of Mr. Tingley, the credentials of Mr. Lyle, of Trinity and Klamath, were taken from the table and read.

Mr. Tingley moved that Mr. Lyle be sworn in: when, after debate, the whole subject, on motion of Mr. Ralston, was referred to a Select Committee, and the President appointed, as such Committee, Messrs. Ralston, Van Buren, Cooke, Soule and Tingley.

On motion, the Senate proceeded to the election of a Secretary.

Mr. Van Buren nominated A. C. Bradford, and, the roll being called, it appeared that Mr. Bradford had received 20 votes and Mr. Elam Covington 2 votes.

Those who voted for Mr. Bradford were Messrs. Anderson, Broderick, Cooke, Estill, Foster, Fry, Hubbs, Keene, Keyser, Lind, Lott, McKibben, Miller, Ralston, Roach, Snyder, Walsh, Walton, Wombough and Van Buren.

Those who voted for Mr. Covington were Messrs. Soule and Tingley.

Mr. Bradford having received a majority of all the votes, was declared duly elected.

The Senate, on motion, proceeded to the election of Assistant Secretary.

Mr. Keyser nominated J. G. Stebbins—and, the roll being called, it appeared that Mr. Stebbins received 18 votes and Mr. S. B. Hart 2 votes.

Those who voted for Mr. Stebbins were Messrs. Anderson, Broderick,



Cooke, Estill, Fry, Hubbs, Keene, Keyser, Lind, Lott, McKibben, Miller, Roach, Snyder, Walsh, Walton, Wombough and Van Buren.

Those who voted for Mr. Hart were Messrs. Soule and Tingley.

Mr. Stebbins having received a majority of all the votes, was declared duly elected.

The Senate then proceeded to the election of Sergeant-at-Arms.

Mr. Cooke nominated Clark Burnham—and, the roll being called, it appeared that Mr. Burnham had received 20 votes, and Mr. W. W. Gift had received 2 votes.

Those who voted for Mr. Burnham were Messrs. Anderson, Broderick, Cooke, Estill, Foster, Fry, Hubbs, Keene, Keyser, Lind, Lott, McKibben, Miller, Ralston, Roach, Snyder, Walsh, Wombough and Van Buren.

Those who voted for Mr. Gift were Messrs. Soule and Tingley.

Mr. Burnham having received a majority of all the votes, was declared duly elected.

The Senate proceeded to the election of a Door-Keeper.

Mr. Lind nominated George W. Harris—and, the roll being called, it appeared that Mr. Harris had received 20 votes, John Smith 1 vote, and John Jones 1 vote.

Those who voted for Mr. Harris were Messrs. Anderson, Broderick, Cooke, Estill, Foster, Fry, Hubbs, Keene, Keyser, Lind, Lott, McKibben, Miller, Ralston, Roach, Snyder, Walsh, Walton, Wombough and Van Buren.

Mr. Tingley voted for Mr. Jones.

Mr. Soule voted for Mr. Smith.

Mr. Harris having received a majority of all the votes, was declared duly elected.

The Senate then proceeded to the election of an Engrossing Clerk.

Mr. Roach nominated P. K. Woodside—and the roll being called, it appeared that Mr. Woodside had received 20 votes, and J. B. Ray 1 vote.

Those who voted for Mr. Woodside were Messrs. Anderson, Broderick, Cooke, Estill, Foster, Fry, Hubbs, Keene, Keyser, Lind, Lott, McKibben, Miller, Ralston, Roach, Snyder, Walsh, Walton, Wombough and Van Buren.

Mr. Tingley voted for Mr. Ray.

Mr. Woodside having received a majority of all the votes, was declared duly elected.

The Senate proceeded to the election of an Enrolling Clerk.

Mr. Lott nominated W. F. McLean—and, the roll being called, it appeared that Mr. McLean had received 20 votes, and Mr. S. B. Hart 1 vote.

Those who voted for Mr. McLean were Messrs. Anderson, Broderick, Cooke, Estill, Foster, Fry, Hubbs, Keene, Lind, Lott, McKibben, Miller, Ralston, Roach, Snyder, Walsh, Walton, Wombough and Van Buren.

Mr. Tingley voted for Mr. Hart.

Mr. McLean having received a majority of all the votes, was declared duly elected.

On motion of Mr. Ralston, it was

*Resolved*, That the Secretary inform the House of Assembly that the Senate have met and organized by the election of A. C. Bradford, Secre-

ry; J. G. Stebbins, Assistant Secretary; Clark Burnham, Sergeant-at-Arms; G. W. Harris, Door-Keeper; P. K. Woodside, Engrossing Clerk; W. F. McLean, Enrolling Clerk; and that the Senate is now ready to proceed in Legislative business.

The Select Committee, to whom was referred the claims of Mr. J. E. N. Lewis, of Butte and Shasta, to a seat in the Senate, reported, through Mr. Van Buren, their Chairman, recommending his admission, which report was adopted.

Mr. Lewis was sworn in by Hon. Robert Hopkins, District Judge, and took his seat as a member of the Senate. (See appendix 1.)

Mr. Tingley submitted the following resolution, which was read and adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to contract with any person, having the same, for thirty copies each of the Statutes and Journals of the State of California for 1851; as also for a like number of the Statutes of 1850, for the use of the Senate, unless the same can be procured of the Officers of State.

On motion, the Senate adjourned to meet at 12 o'clock on Wednesday.

DAVID C. BRODERICK,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

WEDNESDAY, January 7, 1852.

The Senate met pursuant to adjournment.

Hon. David C. Broderick in the chair.

The Journal of yesterday was read and approved.

Royal T. Sprague, Senator from Shasta county, appeared, was qualified, and took his seat.

A message was received from Governor McDougal, informing the Senate that he had this day appointed Mr. J. F. Howe his Private Secretary.

On motion of Mr. Van Buren, the Senate took a recess for one hour.

On the re-assembling of the Senate Mr. Cooke introduced the following resolution, which was passed unanimously:

*Resolved*, That the Rev. Mr. Woodbridge be and he is hereby appointed Chaplain to the Senate.

On motion of Mr. Tingley, it was

*Resolved*, That the rules of the last Senate be adopted for the government of this body, until altered by order of the Senate.

On motion of Mr. Van Buren, the Senate took a recess until 4 P. M.

On the re-assembling of the Senate, Mr. Tingley offered the following resolution, which was adopted :

*Resolved*, That a Committee of three be appointed on the part of the Senate, to act with a similar Committee appointed by the Assembly, to wait on his Excellency the Governor, and inform him that the two branches of the Legislature have convened and organized to transact Legislative business, and are now ready to receive any communications which he may desire to make to the Legislature.

The President appointed Messrs. Tingley, Van Buren and Walsh, the Committee.

The following message was received from the Assembly :

HOUSE OF ASSEMBLY, January 7, 1852.

*Mr. President :*

I am directed by the Assembly to inform the Senate that they have organized by the election of Richard P. Hammond, Esq., of San Joaquin, Speaker.

Blanton Mc Alpin,	- - - -	Clerk ;
A. Aldin,	- - - -	Assistant Clerk ;
J. C. Potter,	- - - -	Engrossing Clerk ;
W. C. Kibbe,	- - - -	Enrolling Clerk ;
C. C. Hornsby,	- - - -	Sergeant-at-Arms ;
J. H. Warrington,	- - - -	Door Keeper ;
Richard Lambert,	- - - -	Page, and
Master Hubbs,	- - - -	Assistant Page ;

And that they are now ready to proceed to business. They have also appointed Messrs. J. G. Parish, H. A. Crabb and J. M. Covarrubias, as a Committee to act with a Committee of the Senate, to wait upon his Excellency the Governor and inform him that they are now ready to proceed to Legislative business.

B. McALPIN, Clerk.

Mr. Tingley, on behalf of the Committee to act with the Committee of the Assembly, made the following report :

*Mr. President :*

Your Committee, appointed to act with a similar Committee on the part of the Assembly, have discharged the duty imposed on them, and received for answer that the Governor will make a communication to the Legislature forthwith.

G. B. TINGLEY,  
Chairman Senate Committee.

The report was adopted.

The protest of Governor McDougal against the Legislature assembling and organizing in a Legislative capacity at the city of Vallejo, and also his



annual Message, were then received through his Private Secretary, Mr. J. F. Howe, and laid before the Senate by the President.

#### PROTEST.

#### *To the Senate and Assembly :*

A Committee, acting under the authority of your respective bodies, have waited upon and acquainted me with your organization, and desiring to be informed at what time it will be convenient for me to communicate my Message.

I deem it due to the people of California, whose interest, in a certain degree, is confided to the Executive Department of State, to enter this my protest against your assembling and organization, in a Legislative capacity, at this place.

The Constitution, as well as the Laws of the State, require that the Legislature shall convene at the seat of Government. A law was passed at the last Session of the Legislature, removing the seat of Government from San Jose to the city of Vallejo. The provisions attached to this law, in my opinion, governed the actions of the Legislative and Executive Departments of Government, so far as relates to their assembling and location for the performance of their respective public duties.

The two first provisions require that Gen. Vallejo shall give a bond, satisfactory to the Legislature and Governor, to perform the covenant agreed to by him in the law, and to erect buildings for all the public officers equal or better than those occupied by the public officers at San Jose, at the time of the passage of the law.

The fulfilment of these two requirements of Gen. Vallejo, governs the action of the two departments of Government, which are necessarily required to be at one and the same place, viz : The seat of Government. The first provision was complied with. The Legislature and Governor having approved his bond ; but supposing that the Legislature or Governor had not approved of his bond, as that power by the law itself reposed in them, would it be supposed for a moment that the law was complied with, and that the seat of Government should be regarded as being at Vallejo ?

The second proviso, requiring Gen. Vallejo to provide certain buildings for the use of the public officers, was not and is not complied with : consequently under the very declaration of the law itself it became a nullity, as it further provides that if he (Gen. Vallejo) should, in whole or in part, fail to comply with any of the provisions of the law, it should be considered as null and void.

In a subsequent law, passed by the same Legislature, they created an officer who should examine and report to the Governor the completion of the buildings in accordance with the law passed removing the permanent seat of government. This officer, whom the Legislature designated as the agent to determine the fulfilment of this part of the law, reported that the buildings in Vallejo were not as good as those occupied by the State Officers at San Jose. That, so far as the action of the Executive and Legislative Departments of Government is concerned, the law must be considered as though not in existence, and the *de facto* capitol, at least, be regarded as at San Jose. This view of the matter has governed my action, and as the State

Officers and the Archives of State were at San Jose, it was all-sufficient for the members of the Legislature to regard that place as the *de facto* capitol for the purposes of organization.

Regarding, therefore, San Jose as the permanent seat of Government, and that your organization should be made at that place, I send, accompanying the Message which the Constitution requires of me, this my protest, on the part of the people, against your assembling at this place for Legislative action.

JNO. McDOUGAL.

Vallejo, January 7, 1852.

On motion of Mr. Van Buren, the protest was laid upon the table.

#### MESSAGE.

*Fellow-Citizens of the Senate and House of Assembly :*

You are permitted to assemble under circumstances calculated to awaken our gratitude to the Dispenser of all good for the many blessings bestowed upon us, and to inspire us with increased confidence in the stability of our institutions. At no period, since the organization of our State Government, have we enjoyed such uninterrupted prosperity,—in health, in the development of our agricultural and mineral resources,—as during the past year.

The series of measures adopted by the last Congress, for the adjustment of the sectional differences unhappily existing in our Union, have realized, in a great measure, the objects of their beneficent purposes. Hostility to Slavery, and to its extension to the newly acquired Territories, has characterized the political action of one portion of our Union; while, in another, an active element of party movements has been a determined resistance to the Compromise Measures, there regarded as an encroachment upon constitutional rights. Whatever may be these local views and prejudices, the admission of our State into the Union as one unfettered by Slavery, has had the effect, in a great measure, to quiet the agitation which has threatened the destruction of our Union, and to place it upon a more lasting and enduring basis. It is our duty, therefore, to adhere strictly to the measures enacted for the quieting of this vexed question of Slavery, until time and experience shall demonstrate the necessity of further action on the part of the people. I would, therefore, suggest that laws be passed to carry out effectually the provisions of the Compromise measures which relate to Fugitive Slaves.

A subject which has assumed a degree of importance not to be overlooked, by the Executive and Legislative branches of the State Government, is that arising from the operation of our system of taxation, in the alleged inequality with which it operates upon the different sections of the State. It is declared by citizens of the Southern counties, which are essentially agricultural and grazing, that under the present State organization and laws, they are overburdened with taxation for the support of the State Government, from which they derive little benefit, while the Northern mining counties, more favored in this respect, bear but a small proportion of the burdens of taxation. They say, also, that while the taxes which they pay

are double those paid by the mining counties, their representation in the Legislature is only one-third as numerous. From an examination of the taxes assessed upon real and personal property, and of those returned as delinquent, which will be seen by reference to the Report of the Comptroller of State, (See Appendix, A,) the six Southern and grazing counties, with a population of 6,367 souls, as taken from the census returns, have paid into the Treasury for the fiscal year ending the first of July last, the sum of \$41,705 26, while the twelve mining counties, with a population of 119,917, have paid \$21,253 66. The latter have a representation in the Legislature of forty-four, while the former have but twelve. The amount of capitation tax assessed in the twelve mining counties is \$51,495 00, and the amount returned as delinquent \$47,915 00, while the amount assessed in the grazing counties is \$7,205 00, and the amount delinquent \$3,291 50, showing that the southern counties, with a population of 6,367, pay a capitation tax of \$333 50 more than the twelve mining counties, which have a population of 119,917. It will be seen, also, by a reference to the same report, that the entire agricultural counties, with a population of 79,778, have paid into the Treasury during the last fiscal year, \$246,247 71, while the mining counties, with a population as before stated, of 119,917, pay only \$21,253 66.

The interests of the southern counties are in many respects inimical to those of the north. To remedy whatever evils exist, seems impossible under the present Constitution, for that instrument provides that there shall be no special legislation, declaring that "all laws of a general nature shall have a uniform operation." It declares, also, that "taxation shall be equal and uniform throughout the State." This equality now exists only in a legal sense; for while the southern counties, which are mostly covered by grants and in the possession of individuals, pay a heavy tax upon every acre of their land, which at best yields but a moderate dividend upon its valuation, the mining counties, exceedingly prolific in the returns they make to their occupants, being almost entirely the property of the Federal Government, pay nothing, comparatively, into the State Treasury. Thus, while a large portion of the public expenditures are for their benefit, they escape taxation upon the lands they occupy, and pay nothing for the treasures which they take from the soil.

The effects of this unequal taxation have already become apparent, not only in the necessity which has been forced upon many citizens of the southern counties, of alienating portions of their lands and sacrificing portions of their stock to meet what they consider an unjust burden, but the dissatisfaction consequent is fast snapping those cords of amity which should ever prevail between citizens of the same Commonwealth. This condition of things cannot long last without great danger to the peace and prosperity of the State. The dissatisfaction already felt will increase, and local prejudices take the place of common fellowships. The Constitution, through its provisions, some of which have been referred to, prevents the Legislature from remedying the evil; but it gives it the power of calling a Convention. I would, therefore, most earnestly recommend, that a Convention of Delegates from the People, for the revision of the Constitution, be called at an early day, at some suitable place, in which body all inconveniences, of whatever nature, arising from the imperfections of the present State Charter, may be discussed, understood, and, as far as possible, obviated.



Perhaps no other question which may be discussed and acted upon during your present session, contains within itself so many important considerations, as does that of Education. One of the most important objects to be aimed at, in California, should be the encouragement of immigration. Nothing could have a more powerful influence upon the minds and purposes of the public abroad, than a knowledge that here, in our young State, we had established, as we can do, the best system of education existing upon the continent, not only through Common Schools, but also by Academies, and a University. One of the great drawbacks upon the immigration that otherwise would have been ours, has been the want of good Schools. Thousands of our resident population deprive themselves of the society, sympathies, and all the social endearments and protective influences of their families, simply because, prizing the education of their children more highly than their own domestic happiness, they prefer leaving them on the other side of the continent, in the midst of the means of education, to bringing them here, where their society would be enjoyed at the expense of their intellectual development. Let a good, active and effective system be established, and the fact known abroad, and at once one of the strongest objections to immigration and residence in this State, would be removed. The class which this would bring among us, would be the most valuable. It would induce the presence of families, who would remain and grow up with the institutions of the country. Such a desirable result can be accomplished. We have the means within our reach of establishing, upon this western soil, the most magnificent system of education in the world. Perhaps it would not be saying too much in asserting that never was a finer opportunity presented for engrafting upon the institutions of a State, an educational system that should be an honor to the public and a blessing to the people, than is now possessed by California. The framers of the Constitution seemed fully aware of the importance of this subject, and accordingly, in the second section of the ninth article, of that instrument, is found the following: "The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements. The proceeds of all lands that may be granted by the United States to this State, for the support of Schools, which may be disposed of, and the five hundred thousand acres of land granted to the new States, under the act of Congress distributing the proceeds of the sales of the public lands among the several States of this Union, approved A. D., 1841, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a permanent fund, the interest of which, together with all the rents of the unsold land, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State." The funds which must inevitably accrue under this provision, must be adequate fully, to the establishment and support of a system which should be a blessing to the community and an honor to the State. Not a dollar derived from the sources named, can be diverted from the specified object. To construct and establish such a system, we have to aid us the experience of all the States of our Union, as well as that of Europe. Our difference of condition requires, of course, modifications of the systems which prevail elsewhere, to adapt them to our necessities. But the great principles involved being the same, no insuperable

difficulty need prevent the full accomplishment of the desired results.

I cannot, therefore, too earnestly urge upon the consideration of the Legislature this subject, upon the treatment of which is suspended so much of the future development of our State, in virtue and happiness.

In connection with the subject of Common Schools, comes linked that of a State University. The fourth section of the ninth article of the Constitution makes it the duty of the Legislature to "provide effectual means for the improvement and permanent security of the funds," designated by the same section, for the support of a State University. There is reason to believe that the contemplated funds, appropriated for such purpose, will eventually prove amply sufficient for the endowment of such institution. Thus it seems within the power of the people of this State to adopt a system of education, in all its branches, which would make our Commonwealth a peculiar resort for the scholar—commanding the literary patronage of the Western Coast of North and South America, and entirely obviating the necessity of sending students across the Continent for collegiate advantages.

The adoption of some practical system for the disposal and government of the lands belonging to the State, which have been granted her by the several acts of Congress is a subject to which I most earnestly invite your attention. By an act of Congress passed in September, 1850, all the swamp and overflowed lands lying within the several States, were given to those States respectively, for the purpose of reclamation. The quantity of land which the State of California will derive under this act, amounts to from six to ten millions of acres, embracing almost the entire arable public lands in the State. For the purpose of enabling the State to avail herself of the benefits of this grant at the earliest moment, I communicated with the Secretary of the Interior, at Washington, early last spring. After waiting a sufficient length of time for a reply, without receiving any, I forwarded a second application, asking that the Surveyor General of our State might be authorized to select the lands under that grant; but as yet I have received no reply. I presume, however, that no objection will be made to this course, as similar privileges have been granted to other States. Should my application be successful, I urgently suggest the passage of a law enabling the Surveyor-General to prosecute the duty of selecting the lands at the earliest practicable day. The character of the land granted under the Act alluded to, is such, that the interests of the State would be greatly subserved by the passage of a law securing to each settler, who may locate in good faith, a suitable quantity of land for a homestead. This I regard as, for the present, the true policy of the State.

The lands to which she is entitled, under other laws of Congress, for School and other purposes, should receive your early attention, that they may be promptly applied to the purposes intended. It would probably be for the interest of the State to adopt, in regard to the lands designated as Tule, a system of grants to individuals, on the condition that the lands so granted shall be drained by them within a given time. By this course a large portion of the State now lying in a useless condition, would be made productive, contribute largely to the State Treasury, and induce a further immigration and settlement of the Chinese—one of the most worthy classes of our newly adopted citizens—to whom the climate, and the character of these lands, are peculiarly suited. The draining of these lands would also add largely to the health of the country in their vicinity. When thus

drained, the Tule lands, comprising the larger portion of the grant under the Act referred to, will become the most desirable lands in the State, and capable of producing, in the highest degree of perfection, rice, sugar cane, and other staple products, which cannot be grown in other portions of the State.

I beg leave to call your attention to the necessity and importance of a thorough revision of our judicial system. Its present complicated and incongruous character, is calculated to defeat the very object of law—the prevention of controversy—and to burden the people with unnecessary expense and inconvenience. The simplicity and perspicuity of any system of law, constitutes its greatest value. The present system is so cumbrous and unwieldy, that only with difficulty can it be interpreted even by those who have the law to administer; and in a less degree, certainly, by the great body of the people, for whose benefit all laws should be enacted. In view, therefore, of the difficulties heretofore existing, in the formation of a proper judicial system, I would respectfully recommend the adoption of the suggestion made by the Attorney-General, that a Commission, for the entire revision of our code of laws, be authorized.

The number of our Judicial Districts should be curtailed at least one half. This would have the effect of diminishing, considerably, the expenses of the State, and of leading to another reform, of scarcely less importance, viz: the change of our District Attorney system. By enlarging our Judicial Districts, and having but one Attorney for each, there would be a wider field in which to reap the rewards of his labor, and he would thus be reconciled to receive, as compensation, the fees of office, instead of a salary out of the State Treasury. Under the present arrangement, there are eleven District Judges and thirty District Attorneys, all receiving pay from the State Treasury. The policy suggested would not only save a large expenditure, but would increase the usefulness of the office of District Attorney, and thereby attract the attention and secure the services of men of ability and experience.

By a reference to the reports of cases in the Courts, herewith transmitted, it will be seen that there are but few counties having any business of importance in the District Courts. The Counties of San Diego, San Luis Obispo, Los Angeles, Santa Barbara and Monterey, might well form one District. By the creation of a separate Criminal Court in the city of San Francisco, and the continuance of the present Superior Court of that city, other Counties might be attached to San Francisco, to form a District.

I cannot allow the present opportunity to pass without bringing to your consideration a subject closely connected with the honor and interests, alike of California and the General Government. I refer to the claim of the Fremont Battalion on the Government of the United States, for remuneration for their losses and services in the cause of our common country. On the fifth day of July, 1846, at the town of Sonoma, a little band of pioneers, under the lead of Lieut. Col. Fremont, raised the flag, and made a declaration of independence, and the whole country south of Sonoma was in a short time freed from the Mexican power. In the prosecution of these glorious and praiseworthy objects, property, money and time were sacrificed—hardships and perils were endured—and, as the result of these sacrifices, this inestimable country was secured, with all its benefits and blessings, to the United States. The General Government has reaped the fruits of these



exertions, and is in possession of all the advantages of this infant struggle for independence. They have received the prize, and it is but justice that they should bear the burdens of its acquisition. This claim was discussed in Congress in 1848, and a bill for the relief of the applicants passed the Senate, but was defeated in the House. The ground of opposition to it in the House, seems, from the Report of the Committee on Military Affairs, to have been, that a state of war did not exist, at that time, between the United States and Mexico. But even on the supposition that war did not actually exist at the time, it was well understood throughout the country, and confidently expected, that war would be unavoidable. It was also well known that the English Government was anxious to seize this country, and thus anticipate the action of the United States. Had England obtained a firm foothold in this State, as was her evident purpose, the large claims which she holds against Mexico, would have rendered its acquisition by us extremely doubtful. And contemporaneous history exhibits the fact, that had the Americans in this country waited until they received a formal notification of the existence of war with Mexico, California would have fallen into the hands of the English. To their timely and efficient action, may we now attribute our possession of this great and invaluable territory. Under such circumstances, for our country to set the example of reprobating the conduct of her most worthy citizens, actuated by the purest devotion to her rights, merely because the formalities of law were not observed, would be to inflict a serious injury upon the future maintenance of her rights, and place her completely within the power of less scrupulous nations. Claims of this nature should be regarded through the medium of the largest and most liberal equity, and not of strict and rigid law. Inasmuch as these services proved ultimately to be of the greatest benefit to the Government, and as the Government has adopted the results of that service, it would display a spirit unbecoming a great and magnanimous nation, to withhold the just reward of merit, merely because those benefits were conferred unasked. I respectfully recommend that the Legislature present this subject, in its true light before Congress, by means of a memorial, setting forth the character and grounds of the claim.

Much has been said respecting the action necessary for the government of the Mineral Lands. After a careful consideration of the duties of government and the new and anomalous situation of our Mining Districts, I am clearly of the opinion that it would be impolitic in Congress to adopt or create, for the present, any laws respecting them. The system of working the Mineral Lands at present adopted, is the only one which will meet with support from that body of industrious and enterprising citizens engaged in mining operations. The Mines should be left free. No proposition to sell or lease them by the General Government should be for a moment entertained. Such policy would be calculated to rear up monopolies amongst us, which are at all times inimical to the interests of the State.

Your attention is respectfully directed to the importance and necessity of some law to check the influx of foreign criminals to our soil. Within the past two years, some thousands of these, from the penal colonies of England, and from other countries, have emigrated hither ; and unless some preventive means be adopted, we can expect but little diminution of crime, which has so disgraced our State. I would suggest the policy, therefore, of creating an espionage over the ingress of foreigners, into our State ; of desig-



nating some particular officer at each Port of Entry to keep a watch over this matter, and require, before the landing of emigrants from foreign ports, that they present a certificate of good character from the Consul or other Agent of the United States in the country from which they come, or some evidence of good character which shall be satisfactory to the officer having charge of the subject—imposing a penalty upon such officer for neglect of duty.

The burdens inflicted upon us in Postal matters, by the present as well as previous laws of Congress, regulating postage and the transmission of the mails, deserve your serious attention. While laws should be uniform in their nature and operation, this State is made an exception, and for very bad postal privileges, we are taxed double what the citizens of other States are required to pay upon letters, while the onerous, unjust and exorbitant rates fixed as postage upon newspapers, almost amount to a prohibition against their introduction from other States, and to an embargo upon those published in our own. This subject, in all its glaring inconsistencies and crippling influence upon the spread of useful information, should be pressed home upon the consideration of Congress.

The wants of Commerce imperiously demand immediate attention from the Federal Government. The tedious tardiness it has evinced, in reference to this, as well as other subjects of great importance to the interests of this State, should give place to an active, just and liberal policy. Our coast and harbors should long since have been supplied with Light-houses, Buoys, Dry Docks, and other assistants and preservatives of commercial and mercantile interests. But as yet we have next to none. A policy so deleterious to the progress of the State, so illiberal and unjustly partial, is unworthy of the nation, inconsistent with its general administration, and deserves the remonstrance of our people and authorities.

It is believed, also, that some of our State Laws affecting commercial interests, are burthensome, unjust, and probably unconstitutional. There can be but one opinion concerning laws which fetter commerce. The State has, undeniably, the right to levy a tax upon the tonnage of its own citizens. But the law imposing a per centum tax upon vessels which have been taxed also in the ports of other States, where they belong, is impolitic, and has been pronounced unconstitutional by the Courts of other States. A careful revision of all our Statutes affecting commerce, the repeal or amendment of such as restrict instead of protecting it, and of such as are deemed unconstitutional, and the enactment of such as the necessities of this great interest require, seems demanded of those to whose keeping is entrusted much of the future of this Commonwealth. Every question touching commerce and navigation, cannot be too earnestly considered.

One important duty which will rest upon the present Legislature, is that of enacting a law to divide the State into Congressional Districts, in accordance with the requisitions of a law of Congress. The necessities for such enactments are so obvious as to render unnecessary their enumeration. In this connection, I would recommend the enactment of a law providing for the election of two members of the Thirty-Third Congress, at the same time with the election of the Presidential Electors. Under the system which now prevails, the terms of our present members will expire with the third of March, 1853. The election for their successors, under the present law, will not occur until the ensuing September. Con-

sequently, should national policy require the President to call an extra session of Congress between those periods, (a term of six months,) our State would be unrepresented in that body, or be subjected to the expense, trouble and delay of an election ordered by the Executive for this special purpose. And even this method would probably fail to remedy the evil; for our distance from Washington City is so great, that the time consumed in receiving the President's proclamation, and that necessary to give the order due publication, to receive the returns of the election, and to enable the successful candidates to reach Washington, would likely, in most cases, deprive the State of all voice, vote and influence, in any such extra session. The practice which now prevails in many States, of electing successors to Congressional incumbents before their term has expired, is founded in wisdom and necessity, and is peculiarly adapted to our isolated condition.

One of the most injurious neglects of Congress regarding our State, has been that of refusing to provide a Branch Mint. Over two hundred millions of gold dust have been carried away from our shores; not an inconsiderable portion of which has been taken to foreign countries, to be coined into foreign currency. Had we been provided with the proper means and authority, this gold would have borne the stamp of our Government, and carried the emblem of our nationality where even our language is not spoken, and our history is unknown. The American coin would have circulated all along the Pacific coast, in South America, the Sandwich Islands, the South Sea Islands, in China and Japan: indeed, it would have found its way to every part of the world. For the want of such an institution, private individuals, and more especially the laboring classes, have suffered severe losses. Every branch of trade and industry has experienced in a greater or less degree, the injurious effects of this neglect on the part of Congress. The necessity of coin for the ordinary purposes of trade, induced irresponsible issues of private coinage, which, from being deficient in value, or bearing a false representation, or losing the confidence of the community, has, in most instances, fallen so far beneath their pretended value, as to inflict heavy losses upon the community. A Mint here would obviate many difficulties, and lighten the burthens that now weigh heavily upon our commercial interests. I would, therefore, recommend such action on the part of the Legislature, as will bring to the attention of Congress the necessity of providing for such an institution.

The Report of the Quartermaster-General, which is here submitted—(see appendix, B.)—presents the amount and condition of the arms and ammunition belonging to the State. I would respectfully suggest the necessity of providing some safe and suitable building at San Francisco, for the deposit of the arms and ammunition which we now have, and such as we may receive from the General Government; and the employment of a competent Armorer.

No Report has been received from the Surveyor-General. The law imposes upon that officer the duty of making such Report, and his attention has been called to the fact.

I take great pleasure in transmitting for your consideration, the Report and views of Dr. Wake Bryerly, the Visiting Physician to the State Hospital at Sacramento city, upon the condition of the insane inmates of that institution. (See appendix, 2.) Humanity suggests that some im-

mediate provision should be made for this unfortunate class of our citizens. The present system of placing together, indiscriminately, the insane and other patients of the Hospital, is one fraught with many serious consequences, and to remedy this evil I would earnestly recommend the establishment of a separate institution for the insane.

Our State is peculiarly remarkable for her mineral resources, and whatever will conduce to their development will serve to advance us yet more rapidly in the career of greatness, and of wealth, which, it can hardly be questioned, is open before us. Heretofore we have advanced irregularly in developing the riches which lie concealed in the rocky bosoms of our hills and mountains, and whatever progress we have made, has been rather the result of blind accident than of intelligent design. To promote the desirable end here suggested, I would recommend that provisions be made for the establishment of a Geological Survey of the State.

As a means of facilitating intercourse between the Atlantic and Pacific coasts, and thereby promoting more intimate relations between the different and distant quarters of our widely extended Union; and as an additional bond to bind in closer connection the varying interests of our country, a very large majority of the people of our Union are looking with anxiety and interest to the commencement of some work ensuring more rapid communication between the Eastern and Western portions of our Union. I learn that the laudable undertaking has been commenced by a railway from the western part of Missouri, and it is to be hoped that Congress will lend the aid of the General Government in forwarding this gigantic undertaking to a speedy completion. The great results and advantages which we would enjoy from a work of this character, could scarcely be conceived. It would therefore, seem to be your special duty to bring the attention of Congress to this important matter. The Government possesses immense bodies of fertile lands now waste and untenanted. By appropriating a portion of that lying on the line of communication, it would enhance the value of the other portions of the public domain, and, at the same time, greatly contribute to the general national advancement.

Your attention is respectfully called to the necessity of providing the necessary ways and means to defray the expenses of the Government for the ensuing fiscal year, and to discharge the indebtedness which has heretofore accrued. No State can flourish while embarrassed in her fiscal operations, and amongst the chief objects of those entrusted with the management and direction of her interests should be that of removing and guarding against such embarrassments. The suggestions upon this subject contained in the accompanying Report of the Comptroller, (See Appendix A) meet with my entire concurrence, and they are generally, therefore, commended to your earnest consideration. I would, however, call your particular attention to one or two points in this connection, which seem to be of paramount importance. The first is the propriety of providing for the early payment of the outstanding three per cent. bonds. The accruing interest upon these bonds is onerous and ruinous, and our financial interest, therefore, imperiously requires their speedy and complete redemption. Second,—that steps be taken to secure at the hands of the General Government the return of the moneys collected of our people by order of the Military Government existing before our admission into the Union. The equity and justice of this claim cannot fail to be recognized by the General Government. Before its laws and institu-



tions had been extended over us, with no system of revenue in force in the territory, we were required to submit to heavy taxation, the burdens of which are yet pressing upon us, and instead of receiving support, as extended to our sister territories, we were required to minister to the support of the parent Government, from whose laws and civil policy we derived no benefit. This important matter has been already too long delayed, and justice to our citizens now requires that it be promptly and urgently pressed upon the General Government.

The Indian tribes within our borders have been the source of much annoyance, and this must continue to be the case so long as they reside in proximity to the whites. The policy which it is the duty of Government to pursue in relation to this unfortunate race of beings, is one which should be well considered. The last effort which was made by our Government, was the policy strongly recommended by President Jackson, of removing them to some isolated position, distant from all contact with the whites. The number within our limits has been estimated at two hundred thousand. Our best policy, and perhaps that of the General Government, would be to remove them beyond the confines of the State. Much expense has been already incurred, and we may reasonably apprehend, until some effectual means of separation are adopted, that constant difficulties with them, involving the State and General Government in great expense, will continue to occur. I would call your attention to the fact, that since the last adjournment of the Legislature, several expeditions for the suppression of Indian hostilities, have been called out, under the authority of the State Government; and under an Act passed at your last session, the bonds of the State, to defray the expenses thereby incurred, have been issued. This debt should be discharged by the General Government, whose duty it is, and was, to afford us that protection which, under the circumstances, we were compelled to provide for ourselves. No adequate means has been heretofore afforded us for that purpose, and the State has been, therefore, constrained to take the matter into her own hands, or submit, while awaiting the inefficient action of the General Government, to the hostile incursions of these savage tribes, and the indiscriminate murder of her exposed frontier citizens. This subject should be promptly and earnestly urged upon Congress, and the payment of this indebtedness insisted upon.

I refer you to the Report of the Treasurer of State for a detailed statement of the Finances of the State. (See appendix, C.)

In compliance with a law passed at the last session of the Legislature, I placed M. G. Vallejo and J. M. Estill in possession of the convicts under sentence of imprisonment to the State Prison. Your attention is directed to the necessity of providing a building for the better security of the convicts. One of the several islands in the Bay of San Francisco, presents the best point for the establishment of a Prison Building for the State; and I would recommend that provision be made immediately for such purpose.

An appropriation for the State Library is respectfully recommended.

There are many other important and necessary matters which will doubtless suggest themselves to you for legislative action. Coming, as you do, from the immediate voice of your constituents, and knowing their wants, you will be able, I trust, to do all that is necessary for their protection, comfort and happiness; and, in bringing this communication to a close, permit me to mingle my congratulations with you upon the future greatness



and prosperity which awaits our young and glorious State, by a proper and judicious management of her affairs.

JNO. McDOUGAL.

VALLEJO, January 7, 1852.

After the reading of the Message, Mr. Tingley moved that five thousand copies, with the accompanying documents, be printed in English. An amendment was offered by Mr. Roach, and carried, to print an additional number of three thousand in Spanish.

The motion, as amended, was adopted.

On motion of Mr. Miller, the Senate adjourned till eleven o'clock on Thursday.

DAVID C. BRODERICK,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

THURSDAY, January 8, 1852.

The Senate met pursuant to adjournment.

Hon David C. Broderick in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday last was read and approved.

Mr. Tingley moved to reconsider the motion, adopted yesterday, to print the Governor's Message and accompanying documents, which was carried, and upon the further motion of Mr. Tingley the whole subject was laid upon the table.

Mr. Anderson introduced the following resolution, which was adopted :

*Resolved*, That the Secretary of the Senate inform the Assembly that the Senate is now ready to meet that body in Convention, in the Assembly Chamber, to count the votes for Governor and Lieutenant Governor, and for the purpose of inaugurating the Governor elect.

The following message was received from the Assembly :

*Mr. President,*

I am directed to inform the Senate that the House of Assembly is now ready to meet the Senate in the Assembly Hall, for the purpose of counting the votes of Governor and Lieutenant Governor elect.

B. McALPIN, Clerk.

On motion of Mr. Tingley the Senate concurred in the foregoing message, and withdrew to the Hall of the Assembly.

## IN CONVENTION.

The two Houses met in Convention, pursuant to the joint resolution this day adopted. The Hon. David C. Broderick, of the Senate presiding. When Mr. Van Buren, on the part of the Senate, and Mr. Ellis, (of San Francisco,) on the part of the Assembly, were appointed as tellers to act in conjunction with the Secretary of the Senate, and the Clerk of the Assembly, in canvassing the election returns of the last general election for a Governor and Lieutenant Governor.

Mr. Crabb submitted the following resolution :

*Whereas*, the Constitution requires the returns of every election for Governor and Lieutenant Governor, to be sealed up and transmitted to the Seat of Government, directed to the Speaker of the Assembly. And the Act entitled An Act to regulate elections, passed March 23d, 1850, further requires that when an election is held to fill the offices of Governor and Lieutenant Governor, the County Clerk of each County shall make out duplicate returns thereof, in the manner prescribed in said Act, one of which he shall seal up and transmit to the Speaker of the Assembly, by the Senator or Representative of his County, or District, and the other shall be sealed up and transmitted by mail to the Seat of Government, directed to the Speaker ; and *Whereas*, neither the Constitution nor the law has been complied with, by some of the Clerks of the different Counties, thereby giving rise to doubts as to the correctness of the returns in the possession of the Speaker. Therefore,

*Resolved*, That a special Committee be appointed, composed of five members of the Assembly, and an equal number of the Senate, to examine the returns in the possession of the Speaker, and with power to send for persons and papers, and instructions to report fully upon the matters intrusted to their charge as soon as practicable.

Mr. Lyons moved to lay the resolution on the table, on which the ayes and nays were demanded, by Messrs. McMullen and Crabb, and resulted as follows :

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

McKibben,  
Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walsh,  
Walton,  
Wambough, and  
Van Buren,—of the  
Senate. And

Messrs. Brush,  
 Blanchard,  
 Boggs,  
 Covarrubias,  
 Coates,  
 Canney,  
 Chauncey,  
 Coffroth,  
 Colby,  
 Cook,  
 Dameron,  
 Fleming,  
 Ford,  
 Gibson,  
 Gardner,  
 Hopkins,  
 Harazthy,  
 Hudspeth,  
 Ingersoll,  
 Kipp,  
 Lyons,  
 Law,  
 Morse,

Messrs. McKim,  
 McMeans,  
 Merritt,  
 McConaha,  
 Peachy,  
 Pierce,  
 Paxton,  
 Parrish,  
 Ridley,  
 Smith,  
 Stephenson,  
 Stark,  
 Taliaferro,  
 Tucker,  
 Thompson,  
 Wing,  
 Wall,  
 Wohler,  
 Yeiser,  
 Young, and  
 Mr. Speaker of the  
 Assembly.—65.

## NAYS.

Messrs. Soule and  
 Tingley, of the  
 Senate. And

Messrs. Cutler,  
 Caldwell,  
 Crabb,  
 Ellis, of Nevada,  
 Ellis, of San Francisco,  
 Fowler,

Messrs. Graham,  
 Hinchman,  
 Jones,  
 McKenzie,  
 McMullen,  
 Orrick,  
 Turner, and  
 Wood, of the  
 Assembly.—16.

And the resolution was laid upon the table.

The following was reported by the Tellers, as the result of the canvassing of the votes :

The votes of Counties, the returns of which were undisputed, were as follows :

COUNTIES.	GOVERNOR.		LIEUTENANT GOVERNOR.	
	JOHN BIGLER.	P. B. READING.	SAMUEL PURDY.	D. P. BALDWIN
Butte,	1409	1207	1409	1189
Contra Costa,	174	181	219	132
Calaveras,	1780	1078	1719	1089
Los Angeles,	72	424	473	14
Mariposa,	779	614	704	566
Marin and Mendocino,	12	146	15	142
Monterey,	195	127	288	29
Nevada,	1466	1419	1452	1421
Napa,	82	141	138	72
Placer,	1196	830	1180	842
Sacramento,	2269	1846	2237	1869
Santa Cruz,	35	213	152	96
San Francisco,	2431	3343	2550	3187
Shasta,	1169	975	1198	940
Sutter,	139	124	138	130
Santa Barbara,	—	205	202	1
Tuolumne,	1580	1429	1593	1404
Klamath,	170	337	280	159
Trinity,	552	545	532	483
San Diego,	104	60	124	39
Total,	15,614	15,244	16,464	13,732

The following is the vote of the Counties whose returns were disputed :

Colusi,	77	81	84	74
El Dorado,	3072	2630	2999	2693
San Joaquin,	801	801	840	754
San Luis Obispo,	8	58	9	58
Santa Clara,	377	839	598	575
Solano,	233	393	248	373
Sonoma,	193	210	241	116
Yolo,	292	182	291	181
Yuba,	2507	2295	2486	2331
Total,	7,560	7,489	7,796	7,155

#### RECAPITULATION.

John Bigler, regular votes,	-	-	-	-	-	15,614
“ “ disputed “	-	-	-	-	-	7,560
						<hr/> 23,174



Pearson B. Reading, regular vote,	-	-	-	-	15,244
“ “ disputed “	-	-	-	-	7,489
					<hr/> 22,733

Bigler's majority of regular votes,	-	-	-	370
“ “ disputed “	-	-	-	71

Samuel Purdy's regular vote,	-	-	-	-	16,464
“ “ disputed “	-	-	-	-	7,934
					<hr/> 24,398

Drury P. Baldwin's regular vote,	-	-	-	-	13,732
“ “ disputed “	-	-	-	-	7,227
					<hr/> 20,959

Saml. Purdy's majority,	-	-	-	-	2,732
“ “ disputed,	-	-	-	-	707

Hereupon the President of the Convention declared that John Bigler, having received a majority of the votes for Governor, was duly elected Governor of the State of California, for the term of two years, and that Samuel Purdy, having received the majority of the votes for Lieutenant Governor, was duly elected Lieutenant Governor of the State of California, for the term of two years.

Mr. Tingley then moved that the Convention do now adjourn, which was carried, and the two Houses separated.

#### IN SENATE.

The following message was received from the Governor, through his private Secretary, Mr. J. F. Howe.

TO THE SENATE AND ASSEMBLY :

*Gentlemen,*

I hereby tender my resignation as Governor of California.

JOHN McDUGAL.

Vallejo, January 8, 1852.

The following message was received from the Assembly, and on motion of Mr. Van Buren, concurred in.

*Mr. President :*

I am instructed by the Assembly to inform the Senate that they have appointed a Committee of three, to act with a similar Committee, on the part of the Senate, to wait upon the Hon. John Bigler and Hon. Samuel Purdy, Governor and Lieutenant Governor elect, and inform them of their

election and ascertain at what time it will suit their convenience to receive the Oath of Office. Also, that the same Committee wait upon his Excellency, John McDougal, and request his presence at the installation of the Governor and Lieutenant Governor elect, and that Messrs. McMullen, Boggs, and Kipp, are the Committee on the part of the House.

B. McALPIN, Clerk.

The President appointed Messrs. Van Buren, Hubbs, and Tingley, the Committee on the part of the Senate, who afterwards made the following report:

*Mr. President :*

The Committee appointed by the Senate, to act with a corresponding Committee of the House, to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, &c., report that they have fulfilled their duties, and have received for answer, that the Governor and Lieutenant Governor elect, are now ready to receive the Oath of Office and be inaugurated in their respective offices.

THOMAS B. VAN BUREN,  
Chairman Committee.

On motion of Mr. Van Buren, it was

*Resolved*, (the Assembly concurring,) That the two Houses meet in Joint Convention, forthwith, in the Assembly Chamber, for the purpose of inaugurating the Governor and Lieutenant Governor elect.

Of which the Secretary was instructed to notify the House forthwith.

A message was then received from the Assembly, through the Hon. Samuel A. Merritt, stating the concurrence of its House in the foregoing resolution.

A motion by Mr. Van Buren that the Senate proceed to meet the Assembly in Convention, was agreed to, and by order of the President, the Senate withdrew to the Hall of the Assembly.

## IN CONVENTION.

Hon. David C. Boderick, President of the Senate, presiding.

On motion of Mr. Van Buren, a Committee of one from each House was appointed to wait upon the Governor and Lieutenant Governor elect, and conduct them into the Convention.

Mr. Van Buren, on the part of the Senate, and Mr. Peachy, on the part of the Assembly, were appointed, who introduced Governor Bigler and Lieutenant Governor Purdy, to whom the Oaths of Office were administered by Justice Lyons, of the Superior Court.

The President then declared that John Bigler was duly installed as Governor, and Samuel Purdy as Lieutenant Governor, of the State of California, for the term of two years.

The Governor then delivered the following address :

## INAUGURARAL ADDRESS.

*Fellow-Citizens :*

If other scenes and other considerations were not sufficient to inspire the sentiment, the imposing solemnities of this occasion could not fail to impress me with the sacred responsibilities of my position. Selected by the voluntary suffrages of a sovereign people to fill the highest office within their gift; standing upon the threshold of an official career consecrated by all the endearing ties of country, pregnant with future good or ill, and having just taken a solemn oath faithfully to discharge the many and onerous duties devolving upon me in this interesting capacity; surrounded, too, by the high functionaries and law-givers of the State, I feel at once deeply impressed with a sense of the delicate nature of the trust with which I am invested, and grateful to those to whose flattering confidence I am indebted for the distinction.

In endeavoring to direct you through the untried scenes which lie before us in this, the infant stage of our political existence, it shall be the leading object of my action to reduce our system to the practical principles of honesty, economy and fair dealing. No State can prosper so long as its councils are governed by schemes of speculation and private aggrandizement; no community can flourish under the influence of a wild, vascillating and unsettled policy. California has been, perhaps, more unfortunate in this respect than any of her sister States. It shall be my steady purpose, so far as the Executive arm can reach the evil, promptly to apply the remedy.

Stability and simplicity in our laws are greatly to be desired, and my energies shall be exerted for the attainment of this object. Under a sure and stable system of laws States will grow and flourish, while under an ever-changing policy, though the principles of that policy be even as correct and just, retrogression and decay must ensue. We should, also, sedulously guard against innovations and untried experiments in our system of law and government as an evil greatly to be deprecated. We have before us an example of thirty States of the American Union who have adopted almost the same unvarying plan of government and law—exceptions only occurring where local peculiarities made them necessary and appropriate—and all of them have experienced under it unprecedented prosperity and renown. It is better to adhere to those principles and systems, which have been matured by time and tested by experience, than follow after ideal and imaginary good. The highway which has been successfully trodden by our sisters may be safely and prudently pursued by us. So long as we adopt and adhere to American precedents we need not blush for our plagiarism.

It has been wisely remarked, "That the fewer and plainer the laws by which a people are governed, the better." The leading objects of Legislation are few and simple, and may be embraced within a narrow compass. All beyond is either supererogation or actual injury, and serves but to complicate that which should be direct and simple. There is much in the remark that "danger to popular governments is to be apprehended from being governed too much." Few laws, well directed, will effect more good than numberless statutes restraining, fettering and directing private enterprise. The greatest liberty consistent with good government is the true



principle of Republics, and will contribute most to the development of the resources and energies of a people.

When we look abroad over our State, we cannot fail to perceive how greatly altered and rapidly progressive is her condition. But a short time since and we were a roving and unsettled people; mere "dwellers in tents." Our rich valleys were wild and unbroken by the plough, and even our cities were only places of temporary sojourn, where we took up our lodgings but for a season. How changed now is the prospect! Our valleys are beginning to teem with the rich products of agriculture; the neat and comfortable dwelling, surrounded by the well cultivated farm, meets us on every hand. No circumstance could demonstrate more forcibly our advancement in all the elements of State greatness and stability. With heartfelt pleasure will I lend all the aid in my power to promote the interests of Agriculture, by securing to the poor and industrious a home and a freehold, and thus, whilst ameliorating their condition, bind them more closely to their country. The greatest strength and wealth of a State consists in her hardy yeomanry. When by luxury and dissipation virtue and honesty take their flight from our cities, they will find a cherished home around the hearth of the generous farmer. I am a firm believer in the most liberal policy towards those who lead the way in bringing into subjection the wild and unsettled lands of the wilderness; and will use every exertion to obtain the extension of the pre-emption and donation system over the State.

The Mechanic Arts are also of vast importance to us in the cultivation of a spirit of enterprise, industry and invention; and they serve to rear up a class of citizens than whom none are more valuable and useful.

Commerce is, in our country, of native growth, and requires no stimulus save that of free trade and unrestricted competition. To extend this—to relieve it of all unnecessary embarrassments, and to faithfully execute all provisions of either the State or General Government which have for their object the promotion and protection of our yet inadequately provided for commerce, shall constitute one of the chief aims of my administration. To the General Government we are to look chiefly for facilities which shall promote and foster our interests in this respect; and, so far as Executive influence can avail anything, I shall endeavor to secure them.

Our mining interests are of inestimable value in affording lucrative employment to a large number of citizens, and supplying us with the sinews of energy, enterprise and improvement. The mines should be left as free as the air we breathe. At present no proposition to lease or sell them should be, for a moment, entertained, because the inevitable tendency of such policy would be the establishment of monopolies, which would serve more than every thing else besides to paralyze the energies of the most enterprising and energetic class of men the world has ever seen.

Up to this time we have made little or no progress in Manufactures. No State of the Union, however, it is believed, possesses greater facilities for manufacturing purposes than this of ours; and whatever will conduce to the development of her resources in this particular should, and, I trust, will be speedily considered. I need scarcely say that my cordial co-operation will be given to all efforts having for their object the attainment of this desirable end.

In surveying the diversified capabilities of our State—her Commercial, Agricultural, Grazing, Mining and Manufacturing—we may safely challenge

the world to present a parallel. It will be our own fault, then, if California does not grow to be one of the most prosperous and flourishing States of the Union. Providence seems to have designed her for no ordinary destiny, for, nowhere are combined so many of the elements of greatness. I refer, of course to her natural advantages. All the evils which have heretofore attended her may be ascribed to adventitious causes. Her growth and development, great as it confessedly has been, has yet been seriously retarded by financial embarrassments. These, however, may be obviated and removed by wisdom, economy and integrity. A State possessing the resources of this, cannot be long burdened with debt under judicious management. It shall be one of my cherished objects to remove this incubus of our prosperity. But, after all, fellow-citizens, laws and the efforts of Government exercise only an auxiliary influence in working out the problem of national greatness. The true element of greatness is with the people—in their economy, industry, integrity, intelligence and prudence. Education widely disseminated is a mighty means of advancing the happiness and elevating the condition of a people. Moral and Charitable Institutions, Associations for Internal Improvement, for the spread of useful knowledge and bringing within the power of man the hidden treasures of Nature, are all powerful auxiliaries to individual and national improvement.

Although I fear you are already wearied, I feel that I should fall short of my duty did I not seize this occasion to warn you against some of the most prominent dangers which beset us. The spirit of the age may be truly said to be the passion for wealth and luxury, than which, nothing can be more inimical to the purity and stability of Republican Government. History teaches the destructive tendency of these vices. When a people become so far enamored of Gold as to gloss Guilt, and veil Ignorance when clothed in the garb of wealth, then it is, that virtue and real worth, the only true and stable pillars of our institutions, begin to totter, and the reins of power to gradually lapse into the hands of the inefficient and dishonest.

A spirit of disaffection towards the Union, and a disposition on the part of some to interfere with the affairs and domestic institutions of other States is becoming too apparent. Those who indulge these dangerous sentiments could not more widely mistake the object for which these States confederated, nor the true duties of a good citizen. It is not ours, as politicians, to become the fanatical propagandists of mere moral tenets. Our Union was formed for no such purpose; but, on the contrary, for the mutual protection of each other in such forms of Republican Government, and such domestic regulations as each might choose to adopt. The storm has not yet ceased to howl around us which had well nigh razed to its foundation this most glorious of Civil Governments.

It is to be hoped that California will be found at all times the earnest and unwavering friend and advocate of Union; that she will devote her energies, sedulously and exclusively to the development of her own resources, and modeling her own domestic institutions, freely permitting to others the enjoyment of the same high privilege. It shall be the constant care of my administration to carefully cultivate a spirit of harmony and conciliation, and to resist all attempts to alienate these States one from another. In union consists our national being: with it we must stand or fall, and the day which writes its epitaph will sound the dirge of American glory and renown.

The Constitution of our common country, it has been well remarked, "Is an object to which no American mind can be too attentive, and no American heart too devoted. On parts, provisions or phrases, it is still and always will be possible for ingenuity to raise constructive doubts; but on the whole, as the Organic Chart of a limited, confederated government, a practical trial of more than sixty years, would seem to place its wisdom and efficiency beyond dispute or rivalry." To support this Constitution, then, in spirit and letter, is the imperative duty of every good citizen, and especially is a strict conformity to its requirements obligatory upon all in official stations.

The quiet of our beloved country and the preservation of our glorious Union, may be said to depend on a careful compliance on the part of the people of the several States, with its wise and liberal provisions. The people of California, ardently devoted as they are, to the Constitution and the Union, it is scarcely necessary to affirm, warmly approve the Compromise Measures, which were adopted by Congress, at a time when the peace if not the integrity of the Union, was seriously endangered. As the first Executive chosen by the people since the admission of California into the Union, I stand pledged to exercise all the powers vested in me by the Constitution to enforce obedience to the requirements of these judicious enactments, and invoking the aid of Divine Wisdom to direct and the public voice to sustain me, this high duty will be cheerfully assumed and promptly discharged.

In conclusion, permit me, Fellow Citizens of Senate and Assembly, to assure you, that, as Chief Executive, it will afford me unfeigned pleasure, at all times, to coöperate with you in the exercise of all the powers delegated by the Constitution to promote the true interests of the people by advancing the substantial prosperity of the State; and to express the hope that in the faithful discharge of our respective duties the same great object—the promotion of the good of the common whole—will conduce to harmony and concert between the Legislative and Executive branches of the State Government. Relying upon the goodness of a superintending Providence, let us enter earnestly and faithfully upon the great work before us.

### IN SENATE.

Hon. D. C. Broderick in the chair.

A motion by Mr. Van Buren, that a committee of three be appointed to wait upon and conduct Lieutenant-Governor Purdy to the chair, was carried.

The President appointed Messrs. Van Buren, Wambough and Fry.

The Committee conducted the Lieutenant-Governor to the chair, who then delivered the following Address:

### ADDRESS.

#### *Senators:*

Called upon to preside over the deliberations of the first branch of the State Legislature, I not only feel profoundly grateful for so high an honor conferred upon me by my fellow-citizens, but must express to you a sincere consciousness that the duties of my position are above my experience or



abilities, and that I take the place assigned me by the sovereign will of the people, with that diffidence and apprehension, duties so arduous and responsible justly inspire.

Having seldom been a member of an organized assembly so numerous or important as to require the adoption of the usual parliamentary rules of proceeding for its government,—and never before of a Legislative body,—I am sensible of the want of qualifications to discharge the duties devolved upon me, and shall, therefore, need from Senators a full share of the indulgence usually extended to the presiding officer of a deliberative body.

All I can hope for is that, in executing my task, I may look with confidence and encouragement to the experience and courtesy of Senators for that guidance and support which will aid in securing common efforts for the common good.

On an occasion like the present, it is not to be expected that I should speak of the different measures that may, during the present session, come before you for consideration, but I cannot refrain from expressing a deep sense of the magnitude of the interests in part committed to our charge.

We have a rapidly rising and promising State; the first organized on the shores of the Pacific; exerting a powerful agency in spreading, far and wide, the influence of our free institutions; possessing unequalled agricultural and mineral wealth; already engaged in a commerce which promises to enrich the whole world; opening, every day, new and extensive channels of trade, and advancing, by gigantic strides, to destinies far beyond the reach of mortal eye.

When we contemplate these great objects, and see the wealth and happiness and honor which are to accrue to the great Confederacy of which our State is a member, and then reflect how much depends for their attainment, on the proper exercise of the functions of governing conferred on this and the other branches of our State Government, there will certainly be found in this body a motive for the exercise of the purest and loftiest patriotism, and a field for the most laudable ambition.

No people on earth ever had greater reason to be proud of their country, or were under a greater debt of gratitude to Providence for the abundance of its blessings bestowed upon us, and with all these means of happiness within our control, there is only one thing more necessary to develop the resources of the State and make us truly a happy and prosperous people.

A wise and economical government, which shall provide necessary and wholesome laws, securing to the various pursuits of industry their legitimate reward, and relieving our constituency, as far as possible, from the oppressive burdens of taxation.

It is our duty, Senators, to set an example of economy, and it is to be hoped that we shall address ourselves at once to the business before us, and close the session at as early a day as practicable.

On motion of Mr. Van Buren, it was unanimously

*Resolved*, That the thanks of the Senate be extended to the Hon. David C. Broderick for the ability and impartiality with which he has discharged the duties of presiding officer of this body.

On motion of Mr. Tingley, the Senate adjourned to meet on Friday morning at 11 o'clock.

SAMUEL PURDY,  
President of the Senate.

Attest:  
A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, January 9, 1852.

The Senate met pursuant to adjournment.

Hon. Samuel Purdy, President of the Senate, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Thursday last, was read, and amended by striking out the message of Governor McDougal, containing his resignation of office, and thus amended the Journal was approved.

Hon. H. E. Robinson, Senator from Sacramento, appeared and took his seat.

The President laid before the Senate the following message from the Governor:

EXECUTIVE DEPARTMENT,  
VALLEJO, CAL., January 9, 1852. }

*To the Honorable,*

*The Senate of California:*

I hereby nominate William Van Voorhies, Esq., Secretary of State, for the State of California.

I have the honor to be,

Your very obedient Servant,

JOHN BIGLER, Governor.

Mr. Anderson, submitted the following resolution:

*Resolved*, That the Senate do advise and consent to the nomination of William Van Voorhies as Secretary of the State.

On which the ayes and nays were demanded, and resulted as follows:

### AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Foster,

Messrs. Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

AYES.

Messrs. Lind,  
Lott,  
McKibben,  
Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,

Messrs. Sprague,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough,  
Van Buren.

NAYS—NONE.

The President thereupon declared the nomination of William Van Voorhies, as Secretary of State, duly confirmed.

The President presented the Report of the State Printer, Mr. Eugene Casserly, which was read and laid upon the table. (See appendix 7.)

A communication was received from the Secretary of State, accompanied by a sealed document, endorsed J. W. Denver *vs.* J. H. Harper, contested election in Senate, from twenty-second district.

On motion of Mr. Van Buren, they were referred to the Select Committee in the case of J. W. Denver *vs.* John A. Lyle, appointed on a previous day of the present session.

Mr. Roach gave notice that he would, at an early day, introduce a bill upon the subject of the State Printing.

Mr. Tingley gave notice that he should, at an early day, introduce Joint Resolutions on the subject of Mineral Lands, Public Domain, Right of Pre-emption, Ports of Entry, Custom Houses, Branches of United States Mint, and Moneys rightfully belonging to California.

Mr. Cooke, on leave, introduced a bill entitled "An Act to extend the time for County Treasurers to make settlements of their accounts with the Comptroller of State," which was read the first time, and, objections being made to a second reading, it was laid over under the rule.

Mr. Van Buren gave notice that he would, at an early day, introduce a bill to repeal an Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March twenty-sixth, eighteen hundred and fifty-one. Also, a bill to repeal an Act entitled "An Act in relation to the City of San Francisco," passed May first, eighteen hundred and fifty-one.

Mr. Anderson submitted the following resolution, which was adopted:

*Resolved*, That a Select Committee of five be appointed to take into consideration the future disposal of the Public Domain of the United States, in the State of California, and that, at as early a day as practicable, they report thereon, and submit for the action of the Senate and Assembly such Joint Resolutions and Memorial to Congress as they may find suitable and proper for the best interests of the State.

Mr. Snyder gave notice that he would, at an early day, introduce a resolution for the call of a Miners' Convention, to be held at the Capital, or where the Legislature may sit, for the purpose of drafting laws for the pro-



tection of the mining interests. Also, that he would introduce a bill for the Enumeration of the Inhabitants of the State, as provided for in the Constitution of this State, Art. 4, Sec. 28, (Legislative Department.) And also, that he would introduce a bill relative to the disposition of the Swamp Lands, donated this State by the General Government during the first Session of the Thirty-First Congress.

The following Message was received from the Assembly, with the accompanying Resolution:

*Mr. President:*

I am instructed by the Assembly to inform the Senate that they have passed a concurrent Resolution that, when they adjourn, they will meet at the City of Sacramento on Tuesday, the thirteenth instant, at twelve o'clock, meridian.

B. McALPIN, Clerk.

### RESOLUTION.

*Resolved*, by the Assembly, (the Senate concurring,) That the Legislature adjourn from this place to meet at the City of Sacramento on Tuesday, January thirteenth, eighteen hundred and fifty-two, at twelve o'clock, meridian.

And, thereupon, Mr. Hubbs moved to adjourn, which was lost.

Mr. Cooke moved to refer the resolution to a Select Committee.

Mr. Cooke moved to adjourn, on which the ayes and nays were demanded, and resulted as follows:

#### AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Hubbs,  
Lewis,

Messrs. McKibben,  
Miller,  
Roach,  
Snyder,  
Walsh,  
Van Buren.—12.

#### NAYS.

Messrs. Foster,  
Fry,  
Keene,  
Keyser,  
Lind,  
Lott,  
Ralston,

Messrs. Robinson,  
Sprague,  
Soule,  
Tingley,  
Walton,  
Wambough.—13.

And the motion to adjourn was lost.

Mr. Cooke then renewed his motion to refer to a Select Committee, in which the ayes and nays were demanded, with the following result:

## AYES.

Messrs. Cooke,  
Estill,  
Hubbs,

Messrs. Miller,  
Roach.—5.

## NAYS.

Messrs. Anderson,  
Broderick,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Ralston,  
Robinson,  
Snyder,  
Sprague,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough,  
Van Buren.—20.

And the motion was lost.

On motion of Mr. Miller, the Senate then adjourned, to meet on Saturday, at 11 o'clock.

SAMUEL PURDY,  
President of the Senate.

Attest :  
A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, January 10, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

The following Message and Resolution was received from the Assembly :

*Mr. President :*

The Assembly did on yesterday pass a joint Resolution instructing the State Treasurer to make no further payments out of the General Fund until the archives are brought to the place where the Legislature is in session ; to which they respectfully ask the concurrence of the Senate.

B. McALPIN, Clerk.

## RESOLUTION.

*Whereas*, at present the archives of the State are in San José,

Therefore *Resolved* by the Assembly, (the Senate concurring,) That the Treasurer of the State of California is hereby required to suspend any further payments out of the general fund until the archives are brought to the place where the Legislature is in session.

On motion of Mr. Hubbs, the resolution was concurred in.

Mr. Estill presented a petition from thirty-one inhabitants of Vallejo praying the Legislature not to adjourn its present session to any other place and asking for one week to prepare suitable accommodations for the members.

The petition was read, and after debate, laid upon the table.

The Bill entitled "an act to extend the time for County Treasurers to make settlements of their accounts with the Comptroller of State, was taken from the table, read a second time, and objection being made to a third reading, it was laid over, under the rule.

Mr. Ralston called up the concurrent resolution of the Assembly, in relation to the adjournment of the Legislature to Sacramento City, and moved its passage.

Mr. Estill submitted the following resolution, as an amendment :

*Resolved*, (the Assembly concurring,) That the two Houses take a recess until Monday, the nineteenth of January, instant.

On motion of Mr. Cooke, a call of the Senate was ordered, and the following Senators answered to their names :

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough,  
Van Buren.  
Warner—absent.

On motion of Mr. Broderick, the call of the Senate was suspended.

The question was then taken on the passage of Mr. Estill's amendment, and the ayes and nays demanded by Mr. Cooke stood as follows :

#### AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Hubbs,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Roach, and  
Soule.—10.



## NAYS.

Messrs. Anderson,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lott,  
Rulston.

Messrs. Robinson,  
Snyder,  
Spangue,  
Tingley,  
Walsh,  
Walton, and  
Wanlough.—14.

So the amendment was lost.

The following Message from the Assembly, accompanied by the Resolution, was received :

*Mr. President :*

The Assembly have this day passed a Joint Resolution authorizing the the Supreme Court to hold its present Term at the city of San Francisco.

They have also passed a concurrent Resolution appointing a Joint Committee to examine the Public Buildings at Vallejo.

To all of which they respectfully ask the concurrence of the Senate.

B. McALPIN, Clerk.

On the question of concurring in the resolution to adjourn to meet at Sacramento on the fourteenth instant, the ayes and nays were demanded by Messrs. Cooke and Estill, with the following result :

## AYES.

Messrs. Foster,  
Fry,  
Keene,  
Keyser,  
Lott,  
Lott,

Messrs. Rulston,  
Robinson,  
Snyder,  
Spangue,  
Tingley, and  
Walton.—12.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Hubbs,  
Lott,

Messrs. M. Kibben,  
Miller,  
Roach,  
Spangue,  
Walsh, and  
Wanlough.—12.

The President gave the casting vote in the negative, and the resolution was not concurred in.

On motion of Mr. Broderick, the Senate adjourned, to meet on Monday, at 11 o'clock.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, January 12, 1852.

The President being absent, Mr. Tingley called the Senate to order, and moved that Mr. Ralston take the chair, which was carried.

A quorum of Senators not being present, on motion of Mr. Tingley, the Senate took a recess until 4 o'clock, P. M.

4 O'CLOCK, P. M.

The Hon. Samuel Purdy in the chair.

A quorum being present, the Journal of Saturday was read and approved.

Mr. Estill moved, as a point of order, that, there being no quorum present this morning, the Senate had not the power to take a recess, but should have adjourned until to-morrow, at the usual hour of meeting.

The President decided that a number less than a quorum could adjourn for a less time than a day, and that the present is therefore a legal, Constitutional meeting of the Senate.

The following Message was received from the Assembly :

*Mr. President :*

The Assembly did on Saturday pass a Concurrent Resolution, declaring Vallejo the legal, permanent Seat of Government of the State of California.

They also passed a Concurrent Resolution to appoint a Committee to examine the Public Buildings at Vallejo, and report if they are in accordance with the contract made by M. G. Vallejo and others with the State.

The Resolutions are herewith presented, to all of which they respectfully ask the concurrence of the Senate.

B. McALPIN, Clerk.

A Message was received from the Governor, informing the Senate that he had appointed L. B. Mizner his private Secretary, and that through him Executive communications would be transmitted.

Mr. Wambough moved to reconsider the vote upon the Assembly resolution to adjourn to meet at Sacramento City on the thirteenth instant.

On motion of Mr. Wambough, a call of the Senate was had, and the following Senators were absent :

Messrs. McKibben, Van Buren, and Warner.

On motion of Mr. Keyser, the call was suspended.

The question recurring on the motion to reconsider the vote upon the resolution to adjourn to meet at Sacramento City, it was decided in the affirmative by the following ayes and nays, demanded by Messrs. Cooke and Estill :

AYES.

Messrs. Anderson,  
Foster,

Messrs. Robinson,  
Snyder,

## AYES.

Messrs. Fry,  
Keene,  
Keyser,  
Lind,  
Lott,  
Ralston,

Messrs. Sprague,  
Tingley,  
Walsh,  
Walton,  
Wambough.—15.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Hubbs,

Messrs. Lewis,  
Miller,  
Roach,  
Soule.—8.

Mr. Roach moved to amend the resolution by striking out "Sacramento City," and inserting "the City of Monterey," upon which the ayes and nays were demanded, with the following result:

## AYES.

Messrs. Cooke,  
Estill,  
Foster,  
Hubbs,  
Miller,

Messrs. Roach,  
Snyder,  
Soule,  
Tingley.—9.

## NAYS.

Messrs. Anderson,  
Broderick,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Robinson,  
Sprague,  
Walsh,  
Walton,  
Wambough.—14.

So the amendment was lost.

Mr. Hubbs moved to amend the resolution by striking out "Sacramento City," and inserting "San Jose," on which the ayes and nays were demanded, with the following result:

## AYES.

Messrs. Estill,  
Hubbs,  
Miller,

Messrs. Roach,  
Tingley,  
Wambough.—6.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Foster,

Messrs. Fry,  
Keene,  
Keyser,  
Lewis,



## NAYS.

Lind,  
Lott,  
Ralston,  
Robinson,  
Snyder,

Messrs. Sprague,  
Soule,  
Walsh,  
Walton.—17.

So the amendment was lost.

Mr. Estill moved to amend by striking out "Sacramento City," and inserting "Benicia."

On which the ayes and nays were demanded, with the following result :

## AYES.

Messrs. Estill,  
Hubbs,

Messrs. Miller,  
Wambough.—4.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Soule,  
Tingley,  
Walsh,  
Walton.—19.

So the amendment was lost.

Mr. Broderick moved to amend by striking out "thirteenth" and inserting "sixteenth," which was adopted.

The question then recurring on the passage of the resolution, the ayes and nays were demanded by Messrs. Broderick and Cooke with the following result :

## AYES.

Foster,  
Fry,  
Keene,  
Keyser,  
Lind,  
Lott,  
Ralston,

Robinson,  
Snyder,  
Sprague,  
Tingley,  
Walton,  
Wambough.—13.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Hubbs,

Lewis,  
Miller,  
Roach,  
Soule,  
Walsh.—10.

And the resolution as amended was concurred in.

Mr. Cooke gave notice that he would on to-morrow move a reconsideration of the vote upon the amendment to the resolution.

Mr. Robinson moved that the vote on the amendment to the resolution be now reconsidered.

Mr. Lind moved to indefinitely postpone the motion to reconsider, which was carried.

On motion of Mr. Robinson, the resolution with the amendment, was reported back to the Assembly forthwith.

On motion of Mr. Broderick, the Assembly resolution to appoint a Committee to examine the Public Buildings at Vallejo and report thereon, was concurred in.

The President appointed, as such Committee, Messrs. Broderick, Hubbs and Roach.

On motion of Mr. Broderick, the Assembly resolution declaring Vallejo the legal, permanent Seat of Government, was concurred in.

The Joint Resolution authorizing the Supreme Court to hold the remainder of its present term at San Francisco, was read a second time, and,

On motion of Mr. Tingley, the rules were suspended,—it was read a third time and passed.

The President announced that he had appointed A. Pollard and Henry Ellis, Pages to the Senate.

Mr. Hubbs gave notice that he would, at an early day, introduce a bill on Estrays.

Upon the resolution of Mr. Anderson, to appoint a Select Committee to consider and report on the disposal of the Public Domain of the United States in the State of California, the President announced the following Committee :

Messrs. Anderson,	-	-	-	-	of Tuolumne ;
“ Snyder,	-	-	-	-	of San Francisco ;
“ Walsh,	-	-	-	-	of Nevada ;
“ Foster,	-	-	-	-	of Los Angeles ;
and “ Estill,	-	-	-	-	of Solano.

Mr. Robinson submitted the following concurrent resolution, which, on motion of Mr. Broderick, was passed :

*Resolved*, (the Assembly concurring,) That the Superintendent of Public Buildings be authorized to deliver to the city authorities of Sacramento such furniture belonging to the State as may be required by the Legislature at Sacramento : said furniture to be and remain under the charge of said Superintendent of Public Buildings : *Provided*, further, that the said city of Sacramento shall return all such furniture to the Seat of Government, free of charge to the State.

On motion, the Senate took a recess for an hour.

On the re-assembling of the Senate, the following Message was received :

*Mr. President :*

I am directed to inform the Senate that the Assembly this day concurred

in the amendment made by the Senate, to a Resolution adjourning to meet at the city of Sacramento on the sixteenth, instead of the thirteenth instant.

They have also concurred in the Resolution of the Senate, requiring the Superintendent of Public Buildings to deliver to the authorities of Sacramento such of the furniture belonging to the State as may be required for the use of the Legislature.

They have, also, passed a Resolution, appointing a Committee of three, from each House, to confer with M. G. Vallejo in regard to moving the Seat of Government from Vallejo: Messrs. Paxton, Pacheco and Caldwell have been appointed on the part of the House. To which Resolution they respectfully ask the concurrence of the Senate.

B. McALPIN, Clerk.

On motion of Mr. Cooke the resolution was laid on the table.

On motion of Mr. Miller the Senate adjourned to meet at Sacramento City on Friday, the 16th instant, at 12 o'clock, meridian.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

FRIDAY, January 16, 1852.

The Senate met in the Court House at Sacramento City, pursuant to adjournment.

Hon. Samuel Purdy in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday, 12th January, was read and approved.

Mr. Walsh presented the certificate of election of John H. Harper, as Senator for the Twenty-Second Senatorial District, which was read. Mr. Walsh also presented a certificate of the County Clerk of Klamath county in relation to a statement of facts given by him to John A. Lyle.

On motion of Mr. Walsh, Mr. Harper came forward, was qualified by the President, and took his seat.

Mr. Keene, on leave, introduced a joint resolution authorizing the Governor to remove the archives of State to, and requiring the State Officers to reside at, Sacramento City, during the present session of the Legislature.

The resolution was read a first and second time, the rules being suspended for that purpose. And on motion of Mr. Tingley, the rules were further suspended, it was considered, engrossed, read a third time and passed.

On motion of Mr. Anderson, it was immediately reported to the Assembly.



The President announced the following

SENATE STANDING COMMITTEES.

*Claims.*—Messrs. Snyder, Lott and Miller.

*Finance.*—Messrs. Broderick, Hubbs, Soule, Sprague and Estill.

*Judiciary.*—Messrs. Cooke, Anderson, Tingley, Sprague, Keyser, Broderick and Keene.

*Militia.*—Messrs. Fry, Warner and McKibben.

*County Boundaries.*—Messrs. Keyser, Foster and Wambough.

*Elections.*—Messrs. Miller, Tingley and Cooke.

*State Prison.*—Messrs. Walsh, Broderick and Roach.

*Public Printing.*—Messrs. Lott, Foster and Cooke.

*Corporations.*—Messrs. Ralston, Snyder and Lind.

*State Library.*—Messrs. Lind, Hubbs and Ralston.

*Engrossed Bills.*—Messrs. Van Buren, McKibben and Lott.

*Public Buildings.*—Messrs. Sprague, Lind and Roach.

*Education.*—Messrs. Soule, Van Buren and Keene.

*Roads and Highways.*—Messrs. Wambough, Lewis and Miller.

*Agriculture.*—Messrs. Foster, Walton and Lewis.

*Contingent Expenses.*—Messrs. Keene, Foster and Fry.

*Commerce and Navigation.*—Messrs. Hubbs, Van Buren, Robinson, Walsh and Roach.

*Public Lands.*—Messrs. Anderson, Snyder, Walsh, Estill, Lind, Keene and Sprague.

*Indian Affairs.*—Messrs. Estill, Lewis, Walton, Warner, Lott, Fry and Wambough.

*Enrolled Bills.*—Messrs. Roach, Ralston, Soule, McKibben and Hubbs.

Mr. Ralston from the select committee to whom was referred the contested election between Messrs. Lyle and Denver, reported that they had made some progress thereon, and taken a part of the testimony, which they reported to the Senate, and asked to be discharged from any further consideration of the subject.

On motion of Mr. Wambough, the report was accepted, the committee discharged, and the whole matter referred to the Committee on Elections.

The following message was received from the Assembly :

*Mr. President :*

I am instructed by the Assembly to inform the Senate that they have concurred in the resolution authorizing the Governor to remove the archives of State to the City of Sacramento.

And also, requiring the State Officers to reside at the City of Sacramento during the present session of the Legislature.

B. McALPIN, Clerk.

Mr. Wambough submitted the following resolutions which were adopted.

*Resolved,* That a Committee of five be appointed whose duty it shall be to prepare Joint Resolutions instructing our Senators in Congress the course this Legislature desire them to pursue in relation to the confirmation of the

treaties, made by the United States Commissioners, Messrs. Wozencraft, McKee, Barber, with certain tribes of Indians in this State, wherein they reserve to them extensive tracts of valuable mineral and agricultural lands, embracing populous mining towns, large portions of which are already in possession of, and improved by, American citizens.

*Resolved*, That said Committee be instructed to report to this body such facts as may be within their reach, in regard to the value, condition and location of all Indian Reservations in this State, together with their opinion of the character and disposition of the various tribes to whom grants have been made, and the effect which the confirmation of said treaty may have on the interests and future prosperity of California.

Mr. Tingley, agreeably to notice, introduced a Joint Resolution on the subject of Mineral Lands in the State of California, which was read the first time, and laid over under the rule.

And also, a Joint Resolution on the subject of the overland Railway to the Pacific Ocean, which was read the first time, and laid over under the rule.

A Message was received from the Governor, informing the Senate that he had this day approved a joint resolution directing him to remove the archives of State to Sacramento City, and authorizing the State Officers to reside at said city during the present session of the legislature.

On motion of Mr. Robinson, the Senate adjourned until Monday morning at eleven o'clock.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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IN SENATE.

MONDAY, January 19, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

The Journal of Friday last was read and approved.

Mr. Hubbs presented a petition from Mrs. Silvey Miller of Vallejo, asking for relief, which was read and referred to the Committee on Claims.

A communication was received from the Secretary of State accompanied by sealed documents, endorsed respectively "Contested Election in the Senate," and "Contested Election in the Twenty-Second Senatorial District," which were referred to the Committee on Elections.

Mr. Lind offered the following resolution :

*Resolved*, (the Assembly concurring,) That on Thursday, the twenty-second instant, at 12 o'clock, M., the Senate and Assembly meet in Convention for the purpose of electing a United States Senator for the State of California, to fill the vacancy now existing.

On motion of Mr. Cooke, the resolution was laid on the table.

Mr. Fry submitted the following resolution which was read and passed.

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of revising the Judiciary System, and that they report by bill or otherwise, at an early day.

On motion of Mr. Tingley, the following resolution was passed.

*Resolved*, That a Select Committee of three be appointed to draft and report rules for the government of the Senate.

The President appointed Messrs. Tingley, Anderson and Robinson.

Mr. Robinson gave notice that he would at an early day introduce a bill for the relief of insolvent debtors and protection of creditors. Also a bill to be entitled an act to require the performance of specific contracts for personal service.

The bill to extend the time for County Treasurers to settle their accounts with the State Comptroller was taken up and referred to the Finance Committee.

Mr. Tingley gave notice that at an early day he would introduce a joint resolution calling upon Congress for appropriations for the improvement of the Harbors, Bays and navigable Rivers of California.

Mr. Ralston gave notice that he would on Wednesday, or some day thereafter, ask leave to introduce a bill for an act "to establish a Board of County Supervisors to control county finances."

Mr. Keyser gave notice that at an early day he would introduce a bill to amend an act entitled "an act to regulate proceedings in civil cases in the Courts of Justice of this State."

Mr. Keyser moved that a standing committee of four be appointed on Mines and Mining interests.

Agreed to.

Mr. Tingley submitted a resolution, which was passed, authorizing the Sergeant-at-Arms to contract with the Postmaster and Express Offices of the City of Sacramento in relation to postage on letters and papers directed to members of the Senate; and also directing said officer to properly mail all letters, papers and documents that members of the Senate may desire to transmit to their constituents.

Mr. Estill gave notice that he would at an early day introduce a bill to regulate the interest on money.

Mr. Soule gave notice that he would at an early day introduce a bill to repeal an act entitled, "An Act to create the office of State Printer and define his duties."

The President announced as the Committee to enquire into the Indian treaties made by the Indian Commissioners in this State, Messrs. Wambough, Warner, Ralston, Keene and Miller.



On motion of Mr. Cooke the following resolution was passed :

*Resolved*, That the Chairman of the Committee on Elections be and he is hereby authorized to employ a Clerk for said Committee.

Mr. Estill gave notice of a bill relating to certain property belonging to the State of California, now in the possession of J. L. Folsom, and known as the Liedsdorff estate.

Mr. Keyser gave notice of a bill in reference to forcible entries and detainers, and to abolish the present act relating to that subject.

Mr. Estill submitted a resolution authorizing the chairman of the Committee on Indian Affairs, to tender the use of the Senate Chamber to Col. Redick McKee, one of the United States Indian Commissioners for California, to hear from him the instructions of the General Government relative to Indian treaties in this State.

Which was not agreed to.

On motion of Mr. Ralston, the Senate adjourned, to 11 o'clock to-morrow morning.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

TUESDAY, January 20, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday, was read and approved.

Mr. Hubbs submitted the following resolution, which was agreed to :

*Resolved*, That all claims presented in relation to Indian campaigns, be referred to the Committee on Indian Affairs.

Mr. Roach presented the certificate of the election of Antonio Maria de la Guerra, as Senator to fill the vacancy occasioned by the resignation of Pablo de la Guerra, for the Third Senatorial District. The President appointed Mr. Roach interpreter, and Mr. De la Guerra was qualified by Hon. W. S. Sherwood, District Judge, and took his seat.

Mr. Walsh submitted the following resolution :

*Be it resolved*, That the Committee on Elections be required to make their report on the contested seat in this body on or before Saturday next, 24th instant.

On motion of Mr. Walsh the resolution was laid upon the table.

Mr. Robinson submitted the following concurrent resolution, which was passed.

*Resolved*, (the Assembly concurring.) That the rooms in the building now occupied by the Legislature be placed at the disposition of the President of the Senate and Speaker of the Assembly to be awarded by them to the various committees.

Mr. Sprague gave notice that on Saturday next, or very early thereafter, he would introduce a bill amendatory of the act entitled "An act to exempt the Homestead and other property from forced sale in certain cases.

Mr. Tingley submitted a resolution, which was passed, requesting the Comptroller to furnish for the use of the Senate a statement of all balances due from the several Counties, of State revenues assessed for the year 1851, and also what Counties are in default, on account of State revenues, for said year, up to and including twentieth January, 1852.

Mr. Hubbs introduced a bill entitled "An Act concerning estray animals," which was read first and second time, and referred to the Committee on Agriculture.

Mr. Ralston gave notice that, at an early day, he would ask leave to introduce a bill for an Act to authorize landlords to distrain for rent in arrears, and to sell property so distrained.

On motion of Mr. Hubbs, the Senate adjourned until to-morrow, at 11 o'clock.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

WEDNESDAY, January 21, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The journal of Tuesday was read and approved.

Hon. J. J. Warner, Senator from San Diego, appeared and took his seat.

Mr. Van Buren introduced a bill entitled "An Act to repeal an 'Act entitled an act to provide for the disposition of certain property of the State of California.'" Also a bill entitled "An Act to repeal an act in relation to the City of San Francisco."

On motion of Mr. Broderick the bills were read a first and second time and referred to the Committee on Commerce and Navigation.

Mr. Roach introduced a bill for an act entitled "An Act concerning State

Printing," which passed to a second reading, and was referred to the Committee on Public Printing.

Mr. Tingley submitted a Joint Resolution on the subject of appropriations for improvement of Harbors, Bays and Navigable Rivers of California, which was,

On motion of Mr. Van Buren, read a second time and laid on the table.

Mr. Walsh presented a memorial from C. H. Veeder and others, inhabitants of Vallejo, asking for relief, which was read and referred to a special Committee of five, consisting of Messrs. Walsh, Lind, Roach, Fry and Lott.

A message was received informing the Senate that the Assembly passed yesterday a Joint Resolution directing the Attorney General to prosecute defaulting County Treasurers and other officers of the State of California, and passed a concurrent resolution to elect a United States Senator on Monday, 26th instant; and also, a bill for an "Act prescribing the manner of electing United States Senators."

On motion of Mr. Hubbs, the petition of Mrs. Silvey Miller was taken from the Committee on Claims, and referred to the select Committee on the memorial of C. H. Veeder and others, inhabitants of Vallejo.

Mr. Robinson presented the report of the Trustees and Physicians of the Sacramento State Hospital, which was accepted. (See Appendix, 8.)

Mr. Robinson moved that a standing Committee of five on State Hospitals be appointed, which was agreed to, and the President announced as such Committee, Messrs. Robinson, Lott, Van Buren, Walton and Snyder, to whom was referred the report of the Physicians of the Sacramento State Hospital.

Mr. Keyser moved to appoint a standing Committee of five on Missions and Mission Lands, which was agreed to, and the President announced as the Committee, Messrs. Warner, Wambough, De la Guerra, Roach and Keyser.

The President also announced as the standing Committee on "Mines and Mining Interests," Messrs. Van Buren, Keyser, Walsh, Anderson and Lewis.

Mr. Hubbs submitted the following resolution, which was passed:

*Resolved*, That the Chairman of the Committee on Finance employ a Clerk for said Committee.

The Senate then proceeded to the consideration of the resolutions and bill accompanying the Assembly message.

On motion of Mr. Fry, the Joint Resolution in relation "to Public Revenue, County Treasurers and other officers," was read a second time and referred to the Committee on Finance.

On motion of Mr. Cooke, the concurrent resolution "to elect a United States Senator," was amended by striking out "Monday, the 26th," and inserting "Wednesday, 28th," and the resolution as amended was,

On motion of Mr. Hubbs, concurred in.

A bill "Prescribing the manner of electing United States Senators," was read a second time and referred to the Judiciary Committee.

On motion of Mr. Cooke, the following resolution was passed:



*Resolved*, That the Chairman of the Judiciary Committee of the Senate be and he is hereby authorized to employ a Clerk for said Committee.

On motion of Mr. Walsh, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, January 22, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lewis submitted the following resolution, which was read and passed.

*Resolved*, That the Secretary of State be and he is hereby requested to communicate to the Senate whether or not "An Act concerning Salaries of Officers and Pay of Members of the Legislature," published among the Acts of the last Session of the Legislature and passed May 1st, 1851, has received the approval of the Governor,—and if so, when does it appear, from the face of said Act and the Records thereof, that the same was approved?

Mr. Fry gave notice that at an early day he would introduce a bill authorizing the construction of a Railroad from Sacramento City to Auburn.

Mr. Lott gave notice that he would at an early day introduce a bill amendatory of an Act supplementary to an Act entitled "An Act concerning County Recorders," and also a bill for an Act to separate the Offices of County Recorder and Auditor of Butte County.

A Message was received from the Assembly, informing the Senate that the Governor did, on yesterday, approve a "Joint Resolution directing the Treasurer of State to make no further payments until the Archives are removed to the place where the Legislature is in session;" and also, that he had approved a "Joint Resolution authorizing the Supreme Court to hold its present session in the city of San Francisco."

Mr. Van Buren gave notice that he would at an early day introduce a bill to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed March 11th, 1851; also, "A Bill to create and establish a Board of Supervisors."

Mr. Keyser submitted a resolution, which was agreed to, requesting the Secretary of State to furnish the Senate with a certified copy of the thirteenth and fourteenth Sections of the Act entitled "An Act to apportion the Senatorial and Assembly Districts," passed May 1st, 1851.

Mr. Lind introduced a resolution, which was passed, requesting the Secretary of State to report to the Senate, at his earliest convenience, if any and what errors exist in the printed copy of the Statutes of the State of California for 1851, purporting to have been published by G. Kenyon Fitch.

Mr. Warner gave notice that at an early day he would introduce a bill to provide for the government and protection of Indians, and to repeal the Act passed April 22d, 1850, entitled "An Act for the Government and protection of Indians."

Mr. Soule submitted a Concurrent Resolution instructing the Superintendent of Public Buildings to procure Offices for such of the State Officers as have not, as yet, been furnished with such offices, which was laid on the table.

A communication was received from the Secretary of State, informing the Senate that "An Act concerning Salaries of Officers and Pay of Members of the Legislature," passed on the 1st of May, 1851, was approved by the Governor, and from the face thereof it appeared that the same was approved on the 1st day of May, 1851.

The communication, on motion of Mr. Van Buren, was referred to the Judiciary Committee.

Mr. Broderick, from the Finance Committee, reported back Assembly "Joint Resolution in relation to the Public Revenue, County Treasurers and other officers," and recommended its rejection.

On motion of Mr. Van Buren, the report of the committee was adopted.

Mr. Robinson gave notice that he would at an early period introduce a bill for the organization of the State Militia: to regulate the pay of troops which may be called into service, and for the repeal of the present Militia Law.

Mr. Snyder introduced a Joint Resolution entitled "A Joint Resolution in relation to Swamp Lands," which was read a second time and referred to the Committee on Public Lands.

Mr. Van Buren submitted a Concurrent Resolution to have two hundred copies of the Reports of Physicians of the several State Hospitals printed, which was passed, and reported to the Assembly for its concurrence.

Mr. Keyser introduced a bill to amend an Act entitled "An Act to regulate proceedings in Civil cases in the Courts of Justice of this State," passed April 29th, 1851, which was read a second time, and referred to the Judiciary Committee.

On motion of Mr. Cooke, the Assembly resolution to appoint a Committee to confer with M. G. Vallejo in relation to the removal of the Seat of Government from Vallejo, was taken from the table and concurred in, and the President appointed as the Committee, on the part of the Senate, Messrs. Cooke, De la Guerra and Soule.

A communication was received from the Secretary of State, accompanied by a certified copy of the thirteenth and fourteenth Sections of "An Act to apportion Senatorial and Assembly Districts," which was read and laid on the table. (See appendix 9.)

Mr. Keene submitted a resolution, which was adopted, apportioning the Governor's Message among the several Committees as follows:

That so much as relates to the Revision of the Judicial System, the Influx of Foreign Criminals, and the recommendation of a State Constitutional Convention, be referred to the Judiciary Committee.

That so much as relates to the Inequality of Taxation, the establishment of a Branch Mint, and the Atlantic and Pacific Railroad, be referred to the Committee on Commerce and Navigation.

That so much as relates to Education, be referred to the Committee on Education.

That so much as relates to Indian Tribes and hostilities, be referred to the Committee on Indian Affairs.

That so much as relates to the Division of the State into Congressional Districts, be referred to the Committee on Elections.

That so much as relates to the Fremont Battalion, be referred to the Committee on Claims.

That so much as relates to the establishment of a Prison for State Convicts, be referred to the Committee on State Prisons.

And that so much as relates to Public Lands, be referred to the Committee on Public Lands.

Mr. Lott moved that the Senate do now proceed to the election of a President pro tem.

Mr. Hubbs moved to lay the motion on the table, which was agreed to.

On motion of Mr. Lind, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, January 23, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Cooke, from the Committee on the Judiciary, reported back Assembly bill entitled "An Act prescribing the manner of electing United States Senators," with a recommendation that it be indefinitely postponed, and submitted a concurrent resolution "Providing for the election of United States Senators." The report was adopted, and the resolution,

On motion of Mr. Cooke, was passed and reported to the Assembly.

The Sergeant-at-Arms reported that he had made arrangements with the Post Master and Express Offices of Sacramento City, in relation to postage for the members of the Senate.

Mr. Tingley, from the Select Committee, reported rules to govern the Senate in the transaction of business.

On motion of Mr. Lind, the report was adopted, and one hundred copies of the rules ordered printed. (See Appendix, 1.)

Mr. Miller submitted the following resolution :

*Resolved*, That the resolution authorizing the Sergeant-at-Arms to contract with the Post Master and Express Offices, be and the same is hereby repealed.

On which Mr. Warner demanded the ayes and nays, with the following result :

## AYES.

Messrs. Anderson,  
Broderick.  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walsh,  
Warner,  
Wambough—20.

## NAYS.

Messrs. Hubbs,  
Ralston,  
Tingley,

Messrs. Van Buren,  
Walton—5.

So the resolution was repealed.

Mr. Miller then submitted the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to make arrangements with the Post Master for the postage of the members of the Senate

Mr. Van Buren moved to amend the resolution by adding, "and with Express Offices for all routes other than mail routes," and demanded the ayes and nays, with the following result :

## AYES.

Messrs. Anderson,  
Broderick,  
Hubbs,  
Keene,  
Keyser,  
Lott,

Messrs. Ralston,  
Robinson,  
Soule,  
Tingley,  
Van Buren.  
Walton—12.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Lewis,  
Lind,  
McKibben,  
Miller,

Messrs. Roach,  
Snyder,  
Sprague,  
Walsh,  
Warner,  
Wambough—13.



And the amendment was lost.

The question then recurring on the original resolution, it was adopted.

A message was received from the Governor, transmitting, by request of the author, Capt. C. Ringgold, U. S. Navy, "A Series of Charts, with sailing directions," embracing various maps of the Bays, Harbors and Rivers, of California.

Whereupon, Mr. Van Buren submitted the following resolution, which was adopted :

*Resolved*, unanimously, That the thanks of the Senate be tendered to Capt. C. Ringgold, for the Maps and Charts presented to the State, and that they be placed in the State Library, and that a copy of this resolution be forwarded to Capt. Ringgold.

Mr. Miller submitted a Joint Resolution (Mr. Van Buren in the chair) authorizing the Comptroller to issue to John L. Smith a duplicate Warrant, No. 778, for Four Hundred Dollars, which was read a first and second time and amended ; the rules were suspended, it was read a third time and passed, and ordered to be reported to the Assembly forthwith.

Mr. Tingley introduced the following resolutions, which were read and passed :

*Resolved*, That the Finance Committee be instructed to report to the Senate, at an early day, a bill amendatory or supplemental to "An Act to fund the debt of the State," passed April 29th, 1851, authorizing all outstanding indebtedness of the State, evidenced by three per cent. per month bonds and Comptroller's warrants, up to the — day of — eighteen hundred and fifty-two, to be funded in the same manner as provided in an act for the funding of the indebtedness of the State, prior to the first of May, eighteen hundred and fifty-one : *Provided, however*, that the whole amount to be funded shall not exceed the sum of \$700,000, the limitation in the aforesaid Act—or, if said Committee deem it advisable, to report an original bill for the accomplishment of the objects above set forth.

*Resolved*, That the Finance Committee be instructed to report a bill prescribing the management of and defining the mode and manner of applying the surplus interest to the redemption of the funded debt of the State, in accordance with the first suggestion contained in Section 12 of said Act.

*Resolved*, That the Finance Committee be requested to take into consideration the propriety of inserting in the law prescribing the mode of assessing and collecting the public revenue, a provision : That all monied or stock corporations, private associations or individuals doing business under and by virtue of any law of this State, authorizing the same, or that may exist by virtue of the law of any other State, who derive an income or profit on their capital in this State, (whether the capital or the faith and credit on which they do business, be actually in this State or not,) shall be taxed as capital within this State, to the average annual or monthly amount of business done by such monied or stock corporation or private association of persons, or private person, with leave to report by bill or otherwise.

Mr. Cooke submitted the following resolution, which was adopted :

*Resolved*, That a Committee on Mileage, consisting of three, be appointed to meet with the Comptroller as soon as practicable ; also, to confer with the Committee on Mileage of the other House, to determine distances and allowances for distances.

The President announced Messrs. Walsh, Roach and Anderson, as such Committee.

Mr. Lott moved to adjourn until Monday next, at 11 o'clock, which was not agreed to.

On motion of Mr. Cooke, the Senate adjourned to meet at the usual hour to-morrow.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

SATURDAY, January 24, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday, was read and approved.

Mr. Walsh from the Select Committee reported the mileage of each Senator, and asked to be discharged.

The report was adopted and request complied with. (See Appendix 10.)

Mr. Tingley gave notice that he would at an early day introduce a bill for "an act to amend the act regulating the estates of deceased persons".

Mr. Anderson gave notice that he would at an early day introduce joint resolutions instructing our Senators and requesting our Representatives in Congress to vote for appropriations for the erection of a Fortress at the entrance of the Bay of San Francisco. Also a joint resolution in relation to the Tariff of the United States.

Mr. Van Buren submitted the following resolution which was adopted.

*Resolved*, That the Sergeant-at-Arms enquire and report what, if any, contract has been entered into for properly furnishing the Senate Chamber.

Mr. Keene gave notice that he would at an early day introduce a joint resolution requesting Congress to establish military posts on our Indian frontier.

Mr. Keene submitted a resolution, which was adopted, instructing the Committee on Finance to report to the Senate the amount of compensation to be paid to the Clerks and Officers of the Senate.

A message was received from the Assembly informing the Senate that they had concurred in the amendment made to the concurrent resolution to meet in joint Convention for the purpose of electing a United States Senator; also, that they had passed a bill to repeal the charter of the City of San Diego, and also, that they had indefinitely postponed the Senate Joint Resolution directing the Treasurer to set apart fifty thousand dollars for contingent purposes of the Legislature.

On motion of Mr. Warner, the Assembly bill "to repeal the charter of the City of San Diego," was taken up, read a first and second time and referred to the Committee on Corporations, with instructions to report thereon upon Monday morning.

Mr. Sprague, pursuant to notice, introduced a bill for an act entitled "an act to amend an act entitled an act to exempt the homestead and other property from forced sale in certain cases, which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Fry gave notice that he would at an early day introduce a bill for "an act to suppress gambling."

Mr. Van Buren, on leave, introduced a bill for "an act to provide for the payment of the salary of E. Heydenfeldt, which was read a first and second time and referred to the Committee on the Judiciary.

A communication was received from the Secretary of State transmitting a sealed document endorsed "Denver vs. Harper, contested election in the Senate," which was referred to the Committee on Elections."

The Sergeant-at-Arms reported in relation to a contract for furniture for the use of the Senate Chamber, which report was adopted.

On motion of Mr. Broderick, Messrs. Ralston and Van Buren were added to the Committee on the Judiciary.

A message was received from the Assembly informing the Senate that they had passed a concurrent resolution for the appointment of a joint Committee to take into consideration the enactment of some law in reference to the election of United States Senator, and that they had appointed Messrs. Peachy, Boggs and McMullen, on the part of the Assembly.

On motion of Mr. Warner, the resolution was taken up and concurred in. The President announced as the Committee on the part of the Senate, Messrs. Warner, Robinson and Anderson.

Mr. Van Buren submitted a resolution that a committee of three be appointed to act with a corresponding committee of the Assembly to prepare joint rules for the government of the two bodies, which was adopted, and Messrs. Van Buren, Warner and Keyser were appointed such committee.

On motion, the Senate adjourned until Monday at eleven o'clock.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, January 26, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Saturday was read and approved.

Mr. Ralston, at his own request, was excused from serving on the Judiciary Committee.

Mr. Tingley submitted a concurrent resolution requiring the Senate Committee on Finance and the Assembly Committee on Ways and Means, to act as a Joint Committee on all financial measures.

On motion of Mr. Anderson, the resolution was laid on the table.

Mr. Robinson introduced a joint resolution authorizing the Treasurer "to suspend all payments or issue of bonds in settlement of claims for Indian Wars, until such claims shall be passed upon by the Legislature," which was read a first and second time and amended; the rules suspended, it was then read a third time and passed.

A message was received from the Assembly informing the Senate that they had this day passed a bill for "An Act requiring the Treasurer to retain certain moneys."

On motion of Mr. Cooke, the bill was read a first and second time; the rules were suspended,—it was read a third time, and on the question, "Shall the bill pass?" the ayes and nays were demanded, and resulted as follows :

## AYES.

Messrs. Anderson,  
Foster,  
Fry,  
Harper,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Sprague,  
Tingley,  
Walsh,  
Walton.—17.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Roach,

Messrs. Van Buren.  
Warner,  
Wambough.—6.

So the bill was passed.

A message was received from the Governor, accompanied by a statement of pardons granted during the year 1851. (See appendix 11.)

Also, a statement of appointments made during the same period, which was read. (See appendix 12.)

On motion of Mr. Warner, the message and accompanying statements



were referred to the Committee on the Judiciary, with instructions to inquire of the Governor if any other pardons, absolute or conditional, have been granted, or any appointments made other than those enumerated in the report.

Mr. Hubbs submitted the following resolution, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to report a bill in accordance with the Constitution, directing the manner in which the Governor may exercise the pardoning power.

A message was received from the Assembly, informing the Senate that they had passed a concurrent resolution, as a substitute for the Senate resolution, in relation to the disposition of the rooms in the building now occupied by the Legislature.

Also, that they had passed a concurrent resolution, as a substitute to the Senate resolution, instructing the Superintendent of Public Buildings to procure offices for State Officers.

Also, that they had concurred in the Senate resolution to print two hundred copies of the Reports from each of the State Hospitals.

The Senate then took up the Assembly substitute for the Senate resolution, in relation to the disposition of the rooms in the building now occupied by the Legislature ; and,

On motion of Mr. Hubbs, the substitute was concurred in.

The Senate then took up the Assembly substitute for Senate resolution, instructing the Superintendent of Public Buildings to procure offices for State Officers.

On motion of Mr. Van Buren, (Mr. Miller in the chair,) the substitute was concurred in.

Mr. Harper presented a petition from certain inhabitants of Trinity and Klamath Counties, asking the Legislature to locate a State road from Humboldt Bay to Sacramento Valley, which was referred to the Committee on Roads and Highways.

Mr. Harper presented a petition from certain citizens of Trinity and Klamath Counties, for the erection of a new County, which was referred to the Committee on County Boundaries.

Mr. Walton submitted a resolution, which was adopted, requiring the Governor to report to the Senate the evidence upon which is based the statement that Hon. Vinal Daniels had absconded, as stated in the report made by his predecessor.

A message was received from the Assembly, informing the Senate that they had passed a joint resolution as a substitute to a joint resolution of the Senate, requiring the Comptroller to issue a duplicate Warrant to John L. Smith.

On motion of Mr. Wambough, the substitute was then taken up, whereupon,

On motion of Mr. Hubbs, the Senate adhered to its vote upon the original resolution.

On motion of Mr. Lott, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, January 27, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Van Buren presented a petition from the citizens of San Joaquin county, praying for a law ordering a special election for County Judge to fill the vacancy occasioned by the resignation of Hon. O. C. Emory, which was read and referred to the Committee on Elections.

Mr. Warner, from the Committee appointed on the part of the Senate to act with a corresponding Committee of the Assembly, to whom was referred the disagreement of the two Houses on the "Assembly bill," and the Senate "concurrent resolution," reported that they had agreed upon a bill, to be reported to the Assembly, "providing for the election of United States Senators."

On motion of Mr. Robinson, the report was adopted.

A message was received from the Governor, informing the Senate that he had nominated James Keating as a Pilot for the Port of San Diego, to fill the vacancy, occasioned by the removal from the State, of Holden Almy.

Mr. Tingley submitted the following resolution :

*Resolved*, That the Senate do advise and consent to the nomination of James Keating, as Pilot for the Port of San Diego, in California.

Upon which he demanded the ayes and nays, with the following result :

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren.  
Walsh,  
Walton,  
Warner,  
Wambough.—26.

## NAYS—NONE.

So the nomination was confirmed.

Mr. Warner submitted a concurrent resolution, (Mr. Anderson in the chair,) to appoint a Joint Committee to draft rules for the government of the two Houses, while in convention for the purpose of electing a United

States Senator, which was adopted, and Messrs. Warner, Tingley and Keene, were appointed as such Committee on the part of the Senate.

Mr. Walsh introduced a joint resolution for the relief of the Treasurer of Nevada county, which was read a first and second time, and referred to the Committee on Finance.

Mr. Tingley submitted a resolution requesting the Judiciary Committee to report at an early day a bill prescribing the mode or manner of renewing any evidences of indebtedness against the State, owned by individuals who have lost the same by accident or otherwise, which was adopted.

Mr. Ralston, from the Committee on Corporations, reported back, without amendment, the bill "to repeal the charter of the city of San Diego," and recommended its passage.

A message was received from the Assembly, informing the Senate that they had passed a bill for "An Act to provide for the payment of the expenses in removing the State Archives from San José to Vallejo, and thence to the city of Sacramento."

Also, that they had appointed Messrs. Parrish, Ingersoll and Orrick, as a Committee on the part of the Assembly, to draft rules for the government of the two Houses.

The Senate then took up the Assembly bill for "An Act to provide for the payment of the expenses in removing the State Archives from San José to Vallejo, and thence to the city of Sacramento." It was read a first and second time, and referred to the Committee on Finance.

Mr. Fry, agreeably to notice, introduced a bill for an Act entitled "An Act to suppress Gambling," which was read a first and second time and referred to a Select Committee of five. Messrs. Fry, Soule, Estill, Snyder, and Roach, were appointed the Committee.

Mr. Cooke, from the Joint Committee appointed on the part of the Senate to act with a corresponding Committee from the Assembly, to confer with Gen. M. G. Vallejo, in reference to the removal of the Legislature from Vallejo—submitted a report, accompanied by a communication from M. G. Vallejo, requesting that the Bond submitted by him to the State of California, in conformity with an Act passed February 4, 1851, providing for the permanent Seat of Government of the State of California, be cancelled and annulled. (See Appendix, 13.)

The Committee recommended that his request be complied with by the passage of a joint resolution rendering his Bond null and void.

Mr. Tingley moved that the report, with the communication and resolution, be laid upon the table and two hundred copies printed.

Mr. Van Buren called for a division of the question, and it was first taken on so much of the motion as related to the laying on the table, and carried.

Mr. Wambough moved, as an amendment, that two hundred copies of the contract, between Gen. Vallejo and the State, be ordered printed.

On motion of Mr. Cooke, the whole matter was laid on the table.

A message was received from the Assembly, informing the Senate that they had passed a bill introduced by the Committee on Conference, in reference to electing United States Senators.

Also, that they have receded from their original vote, adopting a substitute for the Senate joint resolution requiring the Comptroller to issue a duplicate Warrant to John L. Smith, and that they had agreed to the passage of the Senate resolution.

Assembly bill, entitled "An Act to repeal the charter of the city of San Diego," was taken up, on motion of Mr. Warner, and amended by striking out in ninth Section "three per cent." and inserting "one-fourth of one per cent." It was then read a third time, the title amended by adding, "and to create a Board of Trustees," and the bill was passed.

Mr. Van Buren, from the Committee appointed on behalf of the Senate to act with a corresponding Committee of the Assembly, to report joint rules for the government of the two Houses, reported the joint rules of the last Legislature, recommended their adoption, and that a hundred copies be ordered printed.

On motion of Mr. Robinson, the report was adopted. (See Appendix, 1.)

Mr. Van Buren submitted a resolution, which was adopted, referring so much of the message of the late Executive as refers to the condition of the insane in this State, to the Committee on State Hospitals, requesting said Committee to report a bill for the creation of Lunatic Asylums and the raising a revenue for their support.

Mr. Soulé submitted the following resolution, which was adopted :

*Resolved*, That the Committee on Education be empowered to employ a Clerk.

Mr. Soulé presented the memorial of J. D. Carr, asking for relief on account of State Warrants burnt at San Francisco on the 3d of May, 1851, which was read and referred to the Committee on the Judiciary.

Assembly bill agreed upon by the Committee of Conference for "An Act prescribing the manner of electing United States Senators," was taken up, read a first and second time, and, on motion of Mr. Van Buren, the rules were suspended, it was read a third time and passed.

Mr. Van Buren moved a call of the Senate, and, on the roll being called, the following Senators were absent: Messrs. Broderick, De la Guerra, Estill, Harper, Keyser, Lewis, Lind, McKibben and Robinson.

On motion of Mr. Van Buren, further proceedings under the call were dispensed with.

On motion of Mr. Hubbs, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

WEDNESDAY, January 28, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.



Mr. Van Buren submitted the following concurrent resolutions :

*Resolved*, By the Senate (the Assembly concurring,) That the concurrent resolution, resolving that the two Houses meet in Joint Convention to elect a United States Senator in place of Hon. John C. Fremont, on Wednesday, the 28th of January, 1852, be, and the same is hereby rescinded.

*Resolved*, further, That the Senate, with the concurrence of the Assembly, will meet that body in Joint Convention for the purpose of electing such United States Senator, on Monday, the 2d day of February, 1852.

Mr. Van Buren called for a division of the question, and the question was first taken on the resolution to rescind. The ayes and nays were demanded by Messrs. Keyser and Van Buren, and resulted as follows :

AYES.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Harper,

Messrs. Lott,  
Miller,  
Van Buren,  
Wambough.—8.

NAYS.

Messrs. Anderson,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,  
Ralston,

Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton,  
Warner.—18.

So the resolution to rescind was lost.

A message was received from the Assembly, inviting the Senate to meet them in Convention in the Assembly Chamber, to elect a United States Senator.

Mr. Warner, from the Joint Committee on the part of the Senate to report Joint Rules for governing the Convention in electing a United States Senator, reported Rules, which were adopted.

On motion of Mr. Warner, the following resolution was adopted :

*Resolved*, That this Senate reserves to itself the right at any time while in Joint Convention for the election of a United States Senator, when not actually engaged in voting, to withdraw from said Convention, by a vote of a majority of Senators present.

The hour of 12, M., having arrived, the Senate proceeded to the Assembly Chamber, in accordance with the concurrent resolution of the two Houses, in relation to the election of a United States Senator.

## IN CONVENTION.

The two Houses met in Convention in the Assembly Chamber at 12, M., Hon. Samuel Purdy, President of the Senate, presiding, who stated the object for which they had been assembled to be the election of a United States Senator for six years from the fourth of March last, to fill the vacancy occasioned by the expiration of the term of the Hon. J. C. Fremont.

The President appointed Mr. Snyder as Teller, on the part of the Senate, and the Speaker of the Assembly appointed Mr. Wood as Teller, on the part of the Assembly.

On motion of Mr. Parrish, the roll of the members of the two Houses was called.

The Convention then proceeded to the election of a United States Senator.

Mr. Ingersoll, of the Assembly, nominated John B. Weller.

Mr. Estill, of the Senate, nominated David C. Broderick.

Mr. Parrish, of the Assembly, nominated William Smith.

Mr. Peachy, of the Assembly, nominated Robert M. McLane.

Mr. Fleming, of the Assembly, nominated J. H. Ralston.

Mr. Ellis, (of Nevada,) of the Assembly, nominated George B. Tingley.

Mr. Hubbs, of the Senate, nominated Alexander Anderson.

The names of the Senators were called by the Secretary of the Senate, and those of the members of the Assembly by the Clerk of that body—each member voting viva voce, when the Tellers reported the result of the joint vote of the two Houses to be as follows :

Whole number of votes,	-	-	-	-	-	89
Necessary to a choice,	-	-	-	-	-	45
of which,						
John B. Weller received	-	-	-	-	-	23 votes.
David C. Broderick,	-	-	-	-	-	15 "
George B. Tingley,	-	-	-	-	-	16 "
A. Anderson,	-	-	-	-	-	9 "
William Smith,	-	-	-	-	-	9 "
R. M. McLane,	-	-	-	-	-	7 "
J. H. Ralston,	-	-	-	-	-	8 "
Tod Robinson,	-	-	-	-	-	1 "
James Walsh,	-	-	-	-	-	1 "
						<hr/> 89

Those who voted for Mr. Weller were Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, and Wambough of the Senate, and Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, McMeans, Paxton, Smith, Stevenson, Thompson, and Wall of the Assembly—23.

Those who voted for Mr. Broderick were Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Covarrubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly—15.

Those who voted for Mr. Tingley were Messrs. Soule, of the Senate, and

Messrs. Caldwell, Crabb, Cutler, Ellis, (of Nevada,) Ellis, (of San Francisco,) Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullen, Orrick, Turner and Woods, of the Assembly.—16.

Those who voted for Mr. Anderson were Messrs. Hubbs, Lind, Ralston and Walsh, of the Senate, and Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly—9.

Those who voted for Mr. Smith were Messrs. Lewis, of the Senate, and Messrs. Boggs, Coates, Hudspeth, Lyons, Parrish, Pearce, Ridley and Talliaferro, of the Assembly—9.

Those who voted for Mr. McLane were Messrs. Robinson, of the Senate, and Messrs. Crittenden, Del Vallé, Ford, Merritt, Peachy and Speaker, of the Assembly—7.

Those who voted for Mr. Ralston were Messrs. Anderson and Wambough, of the Senate, and Messrs. Colby, Fleming, Kipp, McConaha, Morse and Tucker, of the Assembly—8.

Mr. Tingley, of the Senate, voted for Tod Robinson.

Mr. Broderick, of the Senate, voted for James Walsh.

No person having received a majority of all the votes given, Mr. Tingley, of the Senate, nominated Hon. Tod Robinson, and Mr. McMullen, of the Assembly, nominated Hon. T. Butler King, and thereupon the Convention proceeded to a second vote, and the Tellers reported the result to be as follows :

Whole number of votes,	-	-	-	-	-	-	89
Necessary to a choice,	-	-	-	-	-	-	45
of which,							
Mr. Anderson received	-	-	-	-	-	-	9 votes.
Broderick,	-	-	-	-	-	-	15 "
McLane,	-	-	-	-	-	-	8 "
Ralston,	-	-	-	-	-	-	8 "
Smith,	-	-	-	-	-	-	8 "
Tingley,	-	-	-	-	-	-	13 "
Weller,	-	-	-	-	-	-	23 "
King,	-	-	-	-	-	-	3 "
Robinson,	-	-	-	-	-	-	1 "
Walsh,	-	-	-	-	-	-	1 "
							<hr/>
							89

Those who voted for Mr. Weller were Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Walton and Warner, of the Senate, and Messrs. Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall, of the Assembly—23.

Those who voted for Mr. Tingley were Messrs. Soule, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis, (of Nevada,) Ellis, (of San Francisco,) Fowler, Hinchman, Hopkins, Jones, McMeans, Orrick and Turner, of the Assembly—13.

Those who voted for Mr. Broderick were Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Covarrubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly—15.

Those who voted for Mr. Anderson were Messrs. Hubbs, Lind, Ralston and Walsh, of the Senate, and Messrs. Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly—9.

Those who voted for Mr. McLane were Mr. Robinson, of the Senate, and Messrs. Coates, Crittenden, Del Valle, Ford, Merritt, Peachy and Speaker, of the Assembly—8.

Those who voted for Mr. Ralston were Messrs. Anderson, Sprague and Wambough, of the Senate, and Messrs. Colby, Fleming, Kipp, McConaha and Morse, of the Assembly—8.

Those who voted for Mr. Smith were Mr. Lewis, of the Senate, and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce, Ridley and Talliaferro, of the Assembly—8.

Messrs. Graham, McMullen and Wood, of the Assembly, voted for Mr. King.

Mr. Tingley, of the Senate, voted for Mr. Robinson, and Mr. Broderick, of the Senate, for Mr. Walsh.

No person having received a majority of all the votes given, Mr. Turner, of the Assembly, nominated Stanton Bucknor; and, thereupon, the Convention proceeded, in like manner, to a third vote, and the Tellers reported the result to be as follows:

Whole number of votes,	-	-	-	-	-	86
Necessary to a choice,	-	-	-	-	-	44

of which—

Mr. Weller received	-	-	-	-	-	23 votes.
“ Broderick “	-	-	-	-	-	15 “
“ Anderson “	-	-	-	-	-	8 “
“ Ralston “	-	-	-	-	-	9 “
“ McLane “	-	-	-	-	-	7 “
“ Smith “	-	-	-	-	-	8 “
“ Tingley “	-	-	-	-	-	2 “
“ Bucknor “	-	-	-	-	-	13 “
“ Walsh “	-	-	-	-	-	1 “
						<hr/> 86

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton and Warner, of the Senate, and Messrs. Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, McMeans, Paxton, Stevenson, Thompson, Tucker and Wall, of the Assembly—23.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Covarrubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly—15.

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate, and Messrs. Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly—8.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate, and Crittenden, Del Valle, Merritt, Peachy and Speaker, of the Assembly—7.

Those who voted for Mr. Ralston were—Messrs. Anderson and Wam-



bough, of the Senate, and Coates, Colby, Fleming, Ford, Kipp, McConaha and Morse, of the Assembly.—9.

Those who voted for Mr. Smith were—Mr. Lewis, of the Senate, and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pearce, Ridley and Talliaferro, of the Assembly—8.

Those who voted for Mr. Bucknor were—Messrs. Crabb, Cutler, Ellis, (of San Francisco,) Fowler, Graham, Hinchman, Hopkins, McKenzie, McMullen, Orrick, Turner, Wood, and Ellis, (of Nevada,) of the Assembly—13.

Mr. Soule, of the Senate, and Mr. Caldwell, of the Assembly, voted for Mr. Tingley—2.

Mr. Broderick, of the Senate, voted for Mr. Walsh—1.

And Mr. Tingley, of the Senate, voted for Mr. Robinson—1.

Mr. Van Buren, of the Senate, moved that the Convention take a recess until to-morrow at 12, M.

On this motion, the ayes and noes were demanded and ordered, and it was decided in the affirmative, as follows :

*Ayes*—Messrs. Anderson, Cooke, Estill, Foster, Fry, Harper, Hubbs, Keene, Lott, McKibben, Miller, Ralston, Soule, Sprague, Tingley, Van Buren, Walsh, Walton and Wambough, of the Senate ; and Messrs. Blanchard, Boggs, Brusk, Caldwell, Coates, Colby, Covarrubias, Cutler, Del Valle, Fleming, Ford, Fowler, Gibson, Hudspeth, Kipp, Law, McConaha, Morse, Pacheco, Paxton, Pearce, Pico, Ridley, Stark, Stevenson, Tucker, Wing, Young and Speaker, of the Assembly—48.

*Noes*—Messrs. Broderick, Keyser, Lewis, Lind, Robinson, Snyder and Warner, of the Senate ; and Messrs. Canney, Chauncey, Coffroth, Crabb, Crittenden, Dameron, Ellis, (of Nevada,) Ellis, (of San Francisco,) Gardner, Harazthy, Hinchman, Hopkins, Ingersoll, Jones, Lyons, McKenzie, McKim, McMeans, McMullen, Merritt, Orrick, Parrish, Peachy, Smith, Talliaferro, Ten Broeck, Thompson, Turner, Wall, Wohler and Wood, of the Assembly—38.

So the Convention took recess until to-morrow at 12, M.

#### IN SENATE.

On motion of Mr. Keyser, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, January 29, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Hubbs, from the Committee on Finance, to whom had been referred "An Act to provide for the payment of the expenses in removing the Archives of State from San José to Vallejo, and thence to Sacramento City, reported the same back without amendment, and the bill was read a third time and passed.

On the question, "shall the title stand," Mr. Frye moved an amendment which was lost.

A message was received from the Governor, accompanied by certain papers, relating to the charge against Hon. Vinal Daniels, which were read, and, on motion of Mr. Walton, referred to a Select Committee of three. Messrs. Walton, Sprague and McKibben, were appointed the Committee. (See Appendix, 14.)

A report was received from the Sergeant-at-Arms, in relation to procuring the Statutes and Journals of 1851, and laid upon the table.

Mr. Keene presented a petition from the citizens of Ringgold, Eldorado Co., praying relief for the orphan children of the late Randolph Jones, and moved its reference to the Committee on Claims. Agreed to.

Mr. Warner submitted a resolution, which was adopted, instructing the Committee on Indian Affairs to confer with O. M. Wozencraft, U. S. Indian Commissioner, upon the subject of Indian Treaties in this State.

A message was received from the Assembly informing the Senate that they were then ready to meet in Joint Convention, to proceed to the election of a United States Senator, and the Senate thereupon withdrew to the Assembly Chamber.

## IN CONVENTION.

The two Houses re-assembled in Convention at twelve, noon, for the election of a United States Senator, and proceeded to the fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes, -	-	-	-	88
Necessary to a choice, -	-	-	-	45
Of which,				
Mr. J. B. Weller, received	-	-	26	votes.
" D. C. Broderick, "	-	-	18	"
" A. Anderson, "	-	-	8	"
" R. M. McLane, "	-	-	8	"
" Wm. Smith, "	-	-	9	"
" James Walsh, "	-	-	2	"
" E. F. W. Ellis, "	-	-	16	"
" G. B. Tingley, "	-	-	1	"
			<hr/>	
			88	"

Those who voted for Mr. Anderson were—Messrs. Hubbs, Lind, Ralston and Walsh, of the Senate, and Messrs. Blanchard, Brush, Coffroth and Dameron, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Colby, Covarrubias, Law, McConaha, Morse, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Ellis were—Messrs. Soule and Tingley, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullen, Orrick, Turner and Wood, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Robinson, of the Senate, and Crittenden, Ford, Merritt, Peachy, Yeiser, Del Valle, and Speaker of the Assembly.

Those who voted for Mr. Smith were—Messrs. Lewis, of the Senate, and Boggs, Fleming, Hudspeth, Lyons, Parrish, Pearce, Ridley and Talliaferro, of the Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick, of the Senate.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Wambough and Warner, of the Senate, and Messrs. Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall, of the Assembly.

Mr. Ellis, of Nevada, voted for Mr. Tingley.

No person having received a majority of all the votes given, the Convention proceeded to a fifth vote, the result of which, the Tellers reported to be as follows:

Whole number of votes, -	-	-	-	88
Necessary to a choice, -	-	-	-	45
Of which,				
Mr. Weller received	-	-	-	26 votes.
“ Broderick, “	-	-	-	19 “
“ McLane, “	-	-	-	9 “
“ Anderson, “	-	-	-	7 “
“ Smith, “	-	-	-	2 “
“ Walsh, “	-	-	-	2 “
“ E. J. C. Kewan, -	-	-	-	17 “
				—
				88 “

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate, and Blanchard, Brush, Coffroth and Dameron, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Colby, Covarrubias, Fleming, Law, McConaha, Morse, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Kewen were—Messrs. Soule and Tingley, of the Senate, and Caldwell, Crabb, Cutler, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullen, Orrick, Turner and Wood, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate, and Crittenden, Del Valle, Ford, Merritt, Peachy, Yeiser, and Speaker of the Assembly.

Those who voted for Mr. Smith were—Messrs. Lewis, of the Senate, and Boggs, Hudspeth, Lyon, Parrish, Pearce, Ridley and Talliaferro, of the Assembly.

Messrs. Anderson and Broderick, of the Senate, voted for Mr. Walsh.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Warren and Wambough, of the Senate, and Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall, of the Assembly.

No person having received a majority of all the votes given, the Convention proceeded to a sixth vote, the result of which the Tellers reported to be as follows :

Whole number of votes,	-	-	-	-	-	88
Necessary to a choice,	-	-	-	-	-	45
of which,						
John B. Weller received	-	-	-	-	-	26 votes.
David C. Broderick,	-	-	-	-	-	20 "
A. Anderson,	-	-	-	-	-	7 "
R. M. McLane,	-	-	-	-	-	9 "
William Smith,	-	-	-	-	-	7 "
James Walsh,	-	-	-	-	-	2 "
R. N. Wood,	-	-	-	-	-	16 "
A. J. Ellis,	-	-	-	-	-	1 "
						<hr/> 88

Those who voted for Mr. Anderson were Messrs. Hubbs, Ralston and Walsh, of the Senate, and Blanchard, Coffroth, Dameron and McKim, of the Assembly.

Those who voted for Mr. Broderick were Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Brush, Colby, Covarrubias, Fleming, Law, McConaha, Merritt, Morse, Pacheco, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Wood, were Messrs. Soule and Tingley, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis, (of Nevada,) Ellis, (of San Francisco,) Fowler, Graham, Hinchman, Hopkins, Jones, McMullen, McKenzie, Orrick and Turner, of the Assembly.

Those who voted for Mr. Smith were Messrs. Lewis, of the Senate, and Messrs. Boggs, Hudspeth, Lyon, Parrish, Pearce and Talliaferro, of the Assembly.

Those who voted for Mr. McLane were Messrs. Lind and Robinson, of the Senate, and Messrs. Crittenden, Del Vallé, Ford, Peachy, Pico, Yeiser and Speaker, of the Assembly.

Those who voted for Mr. Weller were Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Warner and Wambough of the Senate, and Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall, of the Assembly.



Mr. Anderson and Broderick, of the Senate, voted for Mr. Walsh.

Mr. Wood, of the Assembly, voted for Mr. Ellis, of Nevada.

No person having received a majority of all the votes given, the Convention proceeded to a seventh vote, which the Tellers reported to be as follows :

Whole number of votes,	-	-	-	-	-	87
Necessary to a choice,	-	-	-	-	-	44

of which,

Mr. Anderson received	-	-	-	-	-	7 votes.
“ Broderick,	-	-	-	-	-	21 “
“ Frank Soule,	-	-	-	-	-	3 “
“ McLane,	-	-	-	-	-	9 “
“ Smith,	-	-	-	-	-	7 “
“ Walsh,	-	-	-	-	-	2 “
“ Weller,	-	-	-	-	-	26 “
“ King,	-	-	-	-	-	12 “
						<hr/>
						87

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate, and Messrs. Blanchard, Coffroth, Dameron and McKim, of the Assembly.

Those who voted for Mr. Broderick were Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Colby, Covarrubias, Fleming, Law, McConaha, Merritt, Morse, Pacheco, Pico, Ridley, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Soule were—Messrs. Cutler, Hopkins, and Fowler, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate, and Messrs. Crabb, Crittenden, Del Valle, Ford, Peachy, Yeiser, and Speaker of the Assembly.

Those who voted for Mr. Smith were—Messrs. Lewis, of the Senate, and Boggs, Hudspeth, Lyons, Parrish, Pearce and Talliaferro, of the Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick.

Those who voted for Mr. Weller were Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Warner and Wambough, of the Senate, and Messrs. Canney, Chauncey, Gardner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall, of the Assembly.

Those who voted for Mr. King were Messrs. Soule and Tingley, of the Senate, and Messrs. Caldwell, Ellis, (of Nevada,) Ellis. (of San Francisco,) Hinchman, Graham, McKenzie, McMullen, Orrick, Turner and Wood, of the Assembly.

On motion of Mr. McMullen, the Convention adjourned until to-morrow, at 2 o'clock, P. M.

#### IN SENATE.

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, January 30, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

The following special message was received from the Governor :

## SPECIAL MESSAGE.

*To the Senate and Assembly of the State of California:*

The existing condition of State affairs, and the commanding importance of the many subjects which must engage, not only your attention, but that also of Congress, in connection with them, would seem to demand of me more than the general reference made to them in my Inaugural Address. It becomes the duty of those who have been entrusted with the direction and management of our State interests, to set about the work before them with an earnest determination to correct whatever errors may have been heretofore committed, and to devise such judicious measures as shall in future secure increased prosperity throughout the State. The fact is not to be disguised, that our Legislation, heretofore, has not served to meet the wants and necessities of the State ; but this is attributable, in a great measure, to the unsettled condition of things amongst us at the time, and to the absence of reliable data upon which to predicate advised legislative action. Now, however, the experience of more than two years under a State organization, the change which has occurred in the character and condition of our general population—the interests, fixed and permanent, which have since grown up, afford us advantages which were not possessed by our predecessors, and would seem to require at our hands the establishment of a system of laws more perfect in its proportions, and better adapted to meet our wants and advance our interests.

The question of raising revenue for the support of the State Government—the faithful and prompt discharge of its existing outstanding liabilities, and the consequent establishment of its credit upon a permanent and sure basis, is of paramount importance. The State is in debt, and there are not now sufficient funds in the State Treasury to discharge the demands against it. The result is, the credit of the State is impaired, and must so continue, until such well matured revenue measures are devised, as will, not only secure provision for the speedy payment of the existing debt, but meet, also, accruing liabilities. With a view to present this question at once for your consideration, the accompanying official statement of the entire debt of the State existing on the 31st day of December, 1851, is herewith submitted. The report of the Comptroller accompanying the message of my predecessor on this subject, extends no further than to the close of the fiscal year ending June 30, 1851, and does not, therefore, sufficiently exhibit our real financial condition. By an examination of the accompanying special report, it will be seen that the total amount of outstanding civil obligations was, on the 31st of December, 1851, seven hundred and ninety-six thousand nine hundred and sixty-three dollars and ninety-five cents (\$796,963 95), that of this

amount three hundred and seventy-nine thousand five hundred dollars has been funded under an Act passed April 29, 1851. The amount of three per cent. bonds outstanding, inclusive of interest, two hundred and forty-one thousand two hundred and seventy-one dollars and eleven cents (\$241,271 11), and of Comptroller's Warrants, one hundred and sixty-six thousand one hundred and ninety-two dollars and eighty-one cents (\$166,192 81). The Act above referred to authorized the funding of a sum not exceeding seven hundred thousand dollars (\$700,000). Of this amount, it will be seen that three hundred and seventy-nine thousand five hundred dollars (\$379,500) have been funded, being three hundred and twenty thousand five hundred dollars (\$320,500) less than the amount provided for by law.

War Bonds outstanding on the 31st of December, together with the interest due thereon, amount to two hundred and twelve thousand dollars (\$212,000). War Loan Warrants outstanding, two hundred and thirty-three thousand three hundred and seventy-five dollars and seventy-nine cents (\$233,375 79). Total amount of outstanding adjusted civil and military liabilities, one million two hundred and forty-two thousand three hundred and thirty-nine dollars and seventy-four cents (\$1,242,339 74.)

The War Debt mentioned, which has already been acted upon by the Legislature, so far as its assumption by the State is concerned, arose out of the following Indian Expeditions authorized by my predecessors, to wit: El Dorado expedition, commanded by Col. Rogers; Mariposa expedition, commanded by Maj. Birney; Mariposa expedition, commanded by Maj. Savage; Gila expedition, commanded by Gen. Morehead.

In addition to these, since the adjournment of the last Legislature, the following expeditions have been ordered out by the Executive of the State, to wit: El Dorado expedition, commanded by Col. Rogers; Utah expedition, commanded by General Bean; Los Angeles expedition, commanded by General Bean; Monterey expedition, commanded by — Woodworth; Clear Lake expedition, commanded by General Estill. To meet the expenses incurred by reason of these several expeditions, no provision has yet been made by law, nor can the amount be now definitely ascertained, but the probable amount calculated with reference to the expenses of the former expeditions, is estimated by the Comptroller, in round numbers, at one million dollars (\$1,000,000), which, if assumed by the State, will make the aggregate indebtedness, civil and military, on the 31st of December, 1851, two millions two hundred and forty-two thousand three hundred and thirty-nine dollars and seventy-four cents (\$2,242,339 74).

The question is now presented, by what means shall this indebtedness be discharged, and the credit of the State restored and maintained?

I can only submit general suggestions for your consideration and action on this interesting subject, and must leave to your wisdom and better judgment to mature the details of such measures as shall effect the great object of relieving the State of her present financial embarrassments.

The first step then to be taken, towards discharging the demands outstanding against the State, and providing the necessary means for the future



economical administration of the State Government, is a careful revision of the entire revenue system, and more stringent provisions of law to secure greater efficiency in making collections, and more prompt accountability on the part of the agents entrusted with the collection of the public revenue.

There can be no question that a large amount of revenue has been wholly lost to the State during the past fiscal year, in consequence of the negligence, carelessness and inefficiency of many of the officers charged with its collection.

The people, I feel assured, are at all times ready and willing to contribute to the support of Government, and to secure a faithful execution of the laws. But, from many counties of the State, well founded complaints are made that the taxes collected of their citizens for State and County purposes, have not been applied to the objects for which they were designed.

By reference to an official statement from the Comptroller of State, exhibiting the sums paid into the Treasury by the several counties, between the 30th of June, 1851, and the 27th of January, 1852, it will be seen that the counties of Calaveras, Klamath, Sonoma, San Luis Obispo, Tuolumne, Mariposa and Trinity, have not, during this period, paid one cent into the State Treasury. From several of these counties the proper officer of State has been advised that the people, as a general thing, have paid their taxes, and that, of course, the failure to make return and payment is attributable alone to the officers charged by law with the duty of collecting and paying over the revenue.

This state of things has given rise to whatever objections may have been made on the part of the people to the willing payment of taxes. Reform this abuse, and from the ordinary sources of revenue I have no doubt that ample means may be derived to meet all the civil liabilities of the State. Indeed, had we no other resource—no well founded and just claims upon the General Government, we might confidently look to these sources to extricate us from any monetary embarrassment which has been brought about, either by our own mismanagement or the neglect of the parent Government. But, in order to avail ourselves of the benefits of this resource, the necessity of rigid enactments concerning the accountability of officers in the payment, and efficiency in the collection of taxes, becomes apparent.

Next, it becomes important to make provision to relieve the State from the pressure of present indebtedness, so far as that object can be effected by legislation. At your last session an Act was passed and approved, to fund the debt of the State. By the provisions of this Act, the Treasurer of State was authorized to cause to be prepared Bonds to the amount of seven hundred thousand dollars (\$700,000 00), in sums of five hundred dollars (\$500 00), bearing an interest of seven per cent. per annum from the date of their issue, and all persons holding any indebtedness of the State, either in the form of three per cent. Bonds, or Comptroller's Warrants, were authorized upon presentation of the same to the Treasurer, to receive in exchange therefor these seven per cent. Bonds. The amount of indebtedness funded under this Act, it will be seen by reference to the spe-



cial report of the Comptroller, is three hundred and seventy-nine thousand five hundred dollars (\$379,500), being three hundred and twenty thousand five hundred dollars (\$320,500) less than the authorized amount. The reason why so small a portion of the amount provided has been funded, is to be found in the fact that the holders of Bonds bearing an interest of thirty-six per cent. per annum, did not desire to convert them into seven per cent. stock, and the additional fact that the Treasurer so construed the Act as to exclude the funding of all Warrants issued after the 1st day of May, 1851. Ample provision having heretofore been made to discharge the accruing interest upon the seven hundred thousand dollars (\$700,000) provided for, I would recommend that the Treasurer of State be authorized to issue Bonds to the extent of three hundred and twenty-five thousand five hundred dollars (\$320,500) upon any Comptroller's Warrants outstanding, without reference to the date of their issue, and I would further suggest that the Bonds so issued be in sums of one hundred, two hundred, three hundred, and five hundred dollars, at the option of the holder.

The amount of "Interest Fund" now in the State Treasury is twenty-two thousand nine hundred and sixty-eight dollars and ninety cents, (22,968 90,) being eight thousand nine hundred and sixty-eight dollars and ninety cents, (\$8,968 90,) more than will be required, on the 1st of July next, to pay the accruing interest on the amount, three hundred and seventy-nine thousand five hundred dollars (\$379,500), which has been funded. By the 11th Section of the "Act to fund the debt of the State" provision also is made for a State Sinking Fund, to be composed of the Surplus Interest Fund, all moneys received by the State of California from the Government of the United States, on account of the Civil Fund: the proceeds of the sale of all lands, with the exception of those set apart for Common Schools; the surplus funds in the Treasury on the 1st of May, 1852, and on the 1st of May in every year thereafter. No additional legislation would, therefore, seem to be required to provide for the payment of these seven per cent. Bonds, principal and interest.

Another measure which, it is believed, will tend to secure an increased collection of revenue, and at the same time serve to improve the credit of the State, not only in proportion as it diminishes the amount of her indebtedness, but as it also evidences an intention on the part of the State to deal justly with its creditors, is, that of making Comptroller's Warrants receivable in payment of public dues. The hardship and injustice done to the holders of adjusted civil demands against the State, in refusing to receive these demands, in payment of claims held by the State against them, is too obvious to be dwelt upon for a moment. Equity and good faith require that this shall not longer continue to be the case.

In a financial point of view, too, it cannot be doubted that the system now in force operates injuriously upon the pecuniary affairs of the State. The injustice of the requirement to receive nothing but gold and silver, notwithstanding the tax payer may hold an ascertained and adjusted indebtedness of the State, is by many deemed so flagrant, that even well disposed persons, in view of it, are inclined to resist what they very naturally regard an illegal and burdensome transaction, and seek to avoid the payment of

taxes, which, under other circumstances, would be cheerfully contributed. I cannot do less, therefore, than to earnestly recommend that the law be so changed as to authorize and direct collectors of taxes to receive these Warrants.

It will be seen that the amount of the three per cent. Bonds outstanding, is one hundred and forty-seven thousand seventy-five dollars, (\$147,075,) exclusive of interest. Upon this sum the accruing interest amounts to four thousand four hundred and twelve dollars and twenty-five cents (\$4,412 25) per month. Although this ruinous liability has been happily much diminished during the past fiscal year, in consequence of the Bonds having been made receivable in payment of State dues, the sum yet outstanding is too considerable, and the monthly interest accruing thereon, too great, to be permitted to continue. Of such onerous obligations we cannot too soon relieve the State. The propriety of adopting some measure to effect this object, I would urgently press upon your early consideration.

I come now to the consideration of the liabilities which have been incurred by the State, in defence of her frontier against Indian depredations. This item, it will be observed, constitutes the larger portion of our aggregate indebtedness, and requires immediate attention. The circumstances under which this large indebtedness has been contracted, would seem to warrant the confident expectation, that it is rather an *apparent* than *real* liability of the State, and that so soon as presented, and understood, it will be transferred to and assumed by the party upon whom it properly devolves.

The General Government owed us protection which was not adequately afforded. Our frontier citizens were exposed to Indian depredations, and hostile Indian incursions were not only threatened but actually commenced. No sufficient United States forces could be mustered for the protection of our people, their lives and property; and we were compelled, therefore, to protect ourselves. To do this, it became necessary, in the opinion of the Executive, to extend that protection which the General Government should have secured. The amount expended on these expeditions, for a part of which the Bonds and Warrants of the State are now outstanding, I have reason to believe will be promptly assumed by the General Government. Our situation in this respect is not at all peculiar, and there are abundant precedents to be found in the proceedings of Congress, of appropriations having been made in similar cases. By Act of Congress, approved March 3, 1841, provision is made for the payment of troops called out by the Governor of Alabama, to suppress Indian hostilities. By an Act, approved August 11, 1842, an appropriation of one hundred and seventy-five thousand dollars (\$175,000) is made to the State of Georgia, for expenses incurred in the Seminole, Cherokee and Creek campaigns, and the suppression of Indian hostilities in Florida and Alabama. By an Act, approved August 29, 1842, the sum of sixty-one thousand three hundred and seventy-eight dollars and fifteen cents, (\$61,378 15,) is appropriated to the State of Louisiana, for the troops employed in the Seminole war: and, by an Act, approved May 14, 1834, an appropriation of thirty-five thousand dollars (\$35,000), is made to Missouri for similar purposes. The precedents indicate, that where it is made to appear that a State has been required to call out forces, and incur expenses in its defence, the Congress of the United States will

make such appropriations as justice and an observance of the relations existing between the General and State Governments require. Besides these precedents, there are to be found numerous appropriations made to *individuals* for services rendered by order of the several State authorities, and for property stolen and destroyed by hostile Indians where insufficient protection had been extended by the General Government.

Now, in order to avail ourselves of the justice of the General Government, properly authenticated accounts of the several expeditions, together with a full statement of the circumstances under which they were authorized, should be at once forwarded to our Senators and Representatives in Congress, and the immediate and favorable action of that body invoked. When these liabilities have been assumed by the General Government, much the greater portion of the indebtedness of the State will have been discharged.

As an additional source from which we may confidently expect, ultimately, to derive a large amount of revenue, your attention is respectfully directed to an Act of Congress, passed September 28th, 1851, entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits." Under the provisions of this Act, the State of California will be entitled to many thousands of acres of very valuable land, some practical disposition of which it will become necessary to make. When the Secretary of the Interior shall have made out accurate lists of plats of said lands, it is made my duty to apply for a patent to the State, on the issuance of which the fee simple to said lands vest in the State, subject to the disposal of the Legislature—the proceeds, however, if sold, to be appropriated as far as necessary to reclaiming the lands in question by means of levees and drains. To avail ourselves of this Act, steps should at once be taken, and an economical plan of operations devised to effect an early reclamation of the lands thereby donated. During the past year, hundreds of our enterprising citizens have located upon these lands, and at considerable expense and labor made valuable improvements thereon. Justice and sound policy require that they should be secured in their possessions, (not exceeding one hundred and sixty acres,) on the most reasonable terms. The more liberal the terms, the more certain and prompt will be the reclamation of these lands and their improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property, and thus, of course, greatly increase the revenue.

Nothing more is required to establish the financial affairs of the State upon a permanent and prosperous basis, but judicious and well advised revenue measures—a prudent and economical administration of the government, and an earnest presentation of our just and well-founded claims to the attention of Congress. Our resources are amply sufficient to meet and defray all reasonable and necessary expenditures. A system of economy, however, must be adopted, and retrenchment must characterize our proceedings, if we would relieve from and secure the State against pecuniary embarrassment. Although California is possessed of great mineral wealth, important commercial advantages, and soil unsurpassed in fertility, still will the conduct of her internal affairs require the utmost prudence and most careful deliberation. Every act of retrenchment, and every measure of



judicious economy, will receive, therefore, my hearty approval. The Act of the last session of the Legislature reducing the salaries of office, and in other respects retrenching State expenditures, was sustained by me in the popular branch of the Legislature, and its provisions are still approved,—saving as they will to the State, if decided to be constitutional, the sum of one hundred and fifty-eight thousand dollars (\$158,000) annually.

In the communication made to you by my predecessor, it is recommended that the number of the Judicial Districts of the State should be reduced, and the District Attorney system changed so as to provide a District Attorney for each Judicial District. This, as a measure of retrenchment, meets with my hearty concurrence. The State is divided into too many Judicial Districts—greatly more than are required to do the business of the people, as will appear upon examination of the report of the cases tried in the several District Courts, which will be transmitted in a few days. At least four of these Districts may be dispensed with without injury to the dispatch of business, and at the same time save to the State in her annual expenditures not less than thirty thousand dollars. This added to the amount saved under the provisions of the Act reducing the salaries of office, will in the aggregate amount to the sum of one hundred and eighty thousand dollars.

In closing my observations on this subject, it may not be inappropriate to remind you, that of all the questions which demand the consideration of the Legislature, none is so important and difficult as that of *taxation*. Statesmen and patriots have bestowed upon it infinite care and reflection, and although they have succeeded in establishing certain general principles, the details are yet left to be wrought out as circumstances can justify. These general principles, however, are based upon the soundest reasons, sustained by long experience, and cannot be disregarded, to wit: that taxation shall not be burdensome; that a greater amount of taxes shall not be imposed than are necessary to support and maintain an economically administered government; that they shall not be imposed with the view to foster and protect one interest at the expense of another, and that they shall be made to operate equally and uniformly upon all.

It remains for me to now present for your consideration and action, one or two other questions of public interest. The subject of the disposition to be made of the Public Lands within the limits of California, will almost certainly engage the attention of the present Congress. Important interests are involved in this question, and it is, therefore, deserving of immediate as well as grave and careful consideration. But little attention, comparatively, has as yet been devoted to agriculture in this State, the consequence of which is that we are compelled to derive our supply of nearly all the necessities of life from Chili, and the various islands of the Pacific, upon which a duty of twenty per cent. ad valorem is paid in addition to the freight, charges, and original cost. This takes annually from our infant State, millions of money which might otherwise be retained amongst us and expended in necessary and local improvements. But we can reasonably anticipate little change for the better in this respect, until there is a definite settlement of land claims, and Congress adopts the wise and liberal policy of do-



nating the public domain in small tracts to actual settlers. Congress at its last session donated, with a liberal hand, to the people of Oregon, and it would seem that no good reason obtains why a less liberal policy should be adopted in the disposition of the public lands lying within the State of California. The interest of both the State and nation will unquestionably be best subserved by donating the public lands in small tracts to actual settlers. It will induce emigration to the State, greatly increase the amount of taxable property; and, above all, secure to us an abundance of the necessities of life produced at home, and thus retain amongst us, to be applied in extending agricultural operations, the millions now annually expended for products of foreign growth.

Emigration to this State is unquestionably retarded by the prevailing impression in the other States of the Union, that nearly all the valuable lands in California are covered by Spanish or Mexican grants, and that they cannot be obtained upon such reasonable terms as are calculated to encourage agriculturists to seek a home on the Pacific coast. It cannot be denied that a great portion of our best lands are thus claimed and held, but it is no less undeniable that in the valley of the San Joaquin and its tributaries, consisting of the Merced, Tuolumne, Stanislaus, Calaveras and Mokelumne—the Sacramento and its tributaries, consisting of the Consumnes, American, Bear, Yuba and Feather rivers, and the coast region in the Counties of Trinity and Klamath, there are millions of acres of public land, a large portion of which will prove equal in productiveness when irrigated and properly cultivated, to the far-famed prairie lands of the States of Illinois and Missouri.

The quantity of arable land within our limits is immense; not less than twenty millions of acres. The Counties of San Diego, San Luis Obispo, Los Angeles, Monterey, Santa Cruz, Santa Clara, Contra Costa, Solano, Sonoma, San Joaquin, Marin, Mendocino, Yolo, Colusa and Sutter are purely agricultural and grazing Counties. In addition to this, it is a well known fact, that there is not a single mining County within the limits of the State, that does not contain more or less very superior arable land; and in Tuolumne, Calaveras, Sacramento, Yuba and Butte, though mining Counties, there is an immense quantity of excellent farming and grazing lands. Indeed, the whole mountain region is interspersed with valleys which cannot be surpassed in beauty or fertility. The agricultural interest of the State is of the first importance, and so far as it can be consistently fostered and advanced by legislation, it should be done. It has, heretofore, been too much neglected, and in consequence of this neglect, the development of our agricultural resources has not advanced hand in hand with the other great interests of the State.

The mineral lands of our State are regarded by the people as the common heritage of American citizens, and they, with great unanimity, favor the existing liberal and just policy acted upon in working these mineral lands. That the mines should, as at present, remain free, is the almost unanimous sentiment of those who have familiarized themselves with the subject from actual operations, or careful observation. The propositions to sell or lease them by the General Government, cannot nor will receive the sanction of the people of California. They believe, and with reason, too, that the sale of the mineral lands would exert a most blighting in-

fluence on the advancing prosperity of the State, and paralyze the energies of the enterprising body of men, now engaged in developing the resources of our young State. At present there are no exactions upon labor in the mines—all that the industrious operator can gather from the sands of our rivers, or dig from our hills, is his own: and the knowledge that such is the fact, encourages to perseverance in well directed efforts to secure the hidden treasure. On the other hand, the inevitable result of the sale or lease of these lands would be the gradual formation in our midst of fearful monopolies. Possessed of the more valuable portion of these lands, these monopolies, by combination, would be able to regulate the reward of labor, as circumstances or avarice might dictate. The reasons are cogent and numerous why the General Government should not seek to derive revenue from the mines of this State. Amongst the most striking, is the well ascertained fact, that California, in proportion to population, contributes more to the national Treasury than any other State in the Union. The amount of revenue collected at the several ports within the limits of the State, during the past year, exceeds two millions of dollars, (\$2,000,000,) being equal to nearly one-twelfth of the whole expenditures of the General Government. Again, the estimated value of the exports of the other thirty States, did not exceed, during the past year, two hundred millions of dollars, (\$200,000,000,) whilst California alone will nearly, perhaps quite, contribute one hundred millions of dollars (\$100,000,000,) to the wealth of the nation, being an amount equal to one-half the entire sum contributed by the other thirty States. These are important facts, demonstrating not only the wisdom of the existing policy in respect to the mines, but conclusively proving that the General Government should, in common justice, make no additional exactions upon the industry and enterprise of our State, nor pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which the General Government should assiduously guard.

To the reservations made by the United States Commissioners in their Treaties, during the past year, with the Indians living within the borders of the State, of large bodies of land, both mineral and agricultural, I would respectfully call your attention, and recommend that some action be taken, by which the almost inevitable evils resulting, as well to the Indians, who are intended to be benefitted, as to the State, may be averted. I am credibly informed that extensive reservations have been made to the Indians of large tracts of lands, rich in minerals and valuable for agricultural purposes, and that where they are previously occupied by white citizens, they have been required to abandon their possessions and deliver them up to the Indians in pursuance of *Treaty*. To say nothing of the policy of the General Government, settling, in the very heart of our State, vast tribes of savages with exclusive landed privileges, the inevitable tendency of the system is to produce constant collision between the whites and Indians, hasten the annihilation of the latter, and impose upon the State or General Government heavy expenses for fitting out Indian expeditions, of which, to some extent, we have experienced the effects. A decided expression should be transmitted to the Senate of the United States, and a rejection of the treaties, by which these reservations are secured, earnestly urged.

Although the importance and necessity of a Branch Mint in California is universally admitted, yet has Congress, from some cause or other, been tardy in its action on the subject. Such, however, has been the increase of our population, and the augmentation of the amount of gold taken from the mines, during the past year, that Congress, it is believed, will not longer delay their action upon a subject of conceded importance, and in reference to which there can be little or no diversity of opinion. The matter should, however, by you be again urgently pressed upon their consideration.

By the twenty-eighth Section of the fourth Article of the Constitution, it is made the duty of the Legislature to provide for an enumeration of the inhabitants of this State in the year 1852. Your attention is respectfully directed to this requirement of the Constitution, and it is recommended that provision be made for taking the enumeration prescribed.

The census of 1850, it is believed, has been very imperfectly taken, and does not exhibit, by many thousands, the population of the State. If this be so, and there is every reason to assume it, Congress should be advised thereof, so that our representation in the popular branch of the National Legislature shall be proportioned to our actual population, which is generally conceded to be considerably over *two hundred thousand* (200,000.)

I transmit herewith an interesting Report from the Visiting Physician of the Sacramento State Hospital. By the twenty-fourth Section of the Act creating a State Hospital at Sacramento City, fifteen thousand dollars were appropriated and set apart, to be used in providing for insane persons. This appropriation has been exhausted, and from the statistical exhibit made in the Report of the Visiting Physician, it will be seen that there exists great necessity for the adoption of other measures for the relief of this unfortunate class of men.

On the 12th instant, I issued an order disbanding all the troops in the service of the State, under the command of Major General Bean, and directed General Raines, the special agent charged with the duty of superintending the disbanding of said troops, to take immediate possession of all the property of the State, used in the expedition, and to sell the same at auction, after giving not less than ten days public notice of the time and place of sale, and to pay over to the Treasurer of State the proceeds.

Having fully and candidly expressed my own views in reference to a few of the more important questions which concern us as a State, I now commend all the subjects to your careful consideration.

JOHN BIGLER.

January 30, 1852.

(For Comptroller's Report, see Appendix 17.)



A message was received from the Assembly, informing the Senate that they did on yesterday concur in the amendments made by the Senate to a bill, "to repeal the charter of the City of San Diego."

Also, that the Governor did on yesterday approve a bill requiring "the Treasurer of State to retain certain moneys."

Mr. Lind submitted a resolution which was adopted, requiring the Secretary of State to report to the Senate the condition of the State Library, the number and character of the books composing it, and to make suggestions in relation to its management.

Mr. Keene, from the Committee on Contingent Expenses, reported as correct, postage accounts against the Senate, of the express offices of Sacramento City, which was laid on the table for the present.

A joint resolution was introduced by Mr. Keene, setting apart the sum of two thousand five hundred dollars as a contingent fund for the Senate and Assembly, which was read a first and second time; the rule suspended, it was then read a third time and passed.

Mr. Warner submitted the following resolution, (Mr. Van Buren in the chair,) which was adopted:

*Resolved*, That a Committee of three be appointed to procure the translation into Spanish of the message and accompanying documents this day transmitted by the Governor.

The chair appointed Messrs. Warner, De la Guerra and Roach.

On motion of Mr. Soule the Senate took a recess for three-fourths of an hour.

On the re-assembling of the Senate, (Mr. Van Buren in the chair,) a message was received from the Assembly informing the Senate that they had this day passed a joint resolution relative to the civil fund. And a joint resolution instructing our Senators and requesting our Representatives in Congress to obtain an increase of the salaries of the United States District Judges in California.

The resolutions were then taken up and severally read a first and second time; the rules suspended, they were then read a third time and passed.

A message was received from the Assembly, through Mr. McMullin, of that body, inviting the Senate to meet the Assembly in their chamber to elect a United States Senator.

The Senate thereupon proceeded to the Assembly Chamber for that purpose.

### IN CONVENTION.

The two Houses re-assembled, in Convention, at 2 P. M., the President of the Senate presiding, and proceeded to the election of a United States Senator, for six years from the fourth of March last. The Tellers reported the result of the eighth joint vote to be as follows:

Whole number of votes, -	-	-	-	88
Necessary to a choice, -	-	-	-	45
Of which,				
Mr. John B. Weller received	-			71 votes.
" P. B. Reading, -	-	-		17 "
				—88



Those who voted for Mr. Weller were—Messrs. Anderson, Broderick, Cooke, De la Guerra, Estil, Foster, Fry, Harper, Hubbs, Keene, Keyser, Lewis, Lind, Lott, McKibben, Miller, Ralston, Roach, Robinson, Snyder, Sprague, Van Buren, Walsh, Walton, Warner, and Wambough of the Senate, and Messrs. Blanchard, Boggs, Brush, Canney, Chauncey, Coates, Coffroth, Colby, Covarrubias, Crittenden, Dameron, Del Valle, Fleming, Ford, Gardner, Gibson, Harazthy, Hudspeth, Ingersoll, Kipp, Law, Lyons, McConaha, McKim, McMeans, Merritt, Morse, Parrish, Pacheco, Paxton, Peachy, Pearce, Pico, Ridley, Smith, Stark, Stevenson, Talliaferro, Thompson, Tucker, Wall, Wing, Wohler, Yeiser, Young, and Speaker of the Assembly.

Those who voted for Mr. Reading, were—Messrs. Soule and Tingley, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullen, Orrick, Tucker and Wood, of the Assembly.

John B. Weller having received a majority of all the votes given, the President thereupon declared him duly elected a United States Senator for the State of California, for the term of six years from the fourth day of of March, eighteen hundred and fifty-one.

The object being accomplished for which the Convention had met, the President dissolved the same sine die.

#### IN SENATE.

The President in the chair.

Mr. Tingley was granted leave of absence for an indefinite period.

Mr. Broderick moved to adjourn until Tuesday, on which the ayes and nays were demanded, and resulted as follows :

#### AYES.

Messrs. Broderick,  
De la Guerra,

Messrs. Snyder,  
Walton.—4.

#### NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Harper,  
Hubbs,  
Keene,  
Keyser,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Warner,  
Wambough.—20.

So the motion was lost.

Mr. Van Buren moved to adjourn until Monday.

Mr. Tingley, as an amendment, until to-morrow.

The ayes and nays were demanded on the question to adjourn until Monday and resulted as follows :

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Parker,  
Keyser,

Messrs. Lott,  
Ralston,  
Snyder,  
Van Buren.—9.

## NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
Hubbs,  
Keene,  
Roach,  
Robinson,

Messrs. Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton,  
Warner,  
Wambough.—14.

So the motion was lost.

On the question of the amendment to adjourn till to-morrow, the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Anderson,  
Broderick,  
Foster,  
Fry,  
Harper,  
Hubbs,  
Keene,

Messrs. Ralston,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton.—14.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Estill,  
Keyser,  
Lott,

Messrs. Robinson,  
Snyder,  
Van Buren,  
Warner,  
Wambough.—10.

So the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, January 31, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Snyder introduced a bill for "An Act authorizing the Governor to issue Land Warrants to actual Settlers on Swamp Lands," which was read a first and second time, and referred to a Special Committee of seven, consisting of Messrs. Tingley, Snyder, Foster, Robinson, Estill, Hubbs and Keyser, and one hundred copies ordered printed.

Mr. Snyder also introduced a bill for an Act entitled "An Act to prevent embezzlement or fraud in Banking Institutions," which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Broderick, from the Finance Committee, pursuant to instructions, submitted the following resolution :

*Resolved*, By the Senate, That the Officers and Clerks of the Senate receive for their services the following per diem pay :—

Secretary,	-	-	-	-	-	-	-	\$—
Assistant Secretary,	-	-	-	-	-	-	-	\$—
Enrolling and Engrossing Clerk,	-	-	-	-	-	-	-	\$—
Committee Clerks,	-	-	-	-	-	-	-	\$—
Sergeant-at-Arms,	-	-	-	-	-	-	-	\$—
Door-Keeper,	-	-	-	-	-	-	-	\$—
Pages,	-	-	-	-	-	-	-	\$—
Porter,	-	-	-	-	-	-	-	\$—
Assistant Porter,	-	-	-	-	-	-	-	\$—

Mr. Tingley moved to fill the blanks as follows :

Secretary,	-	-	-	-	-	-	-	\$20
Assistant Secretary,	-	-	-	-	-	-	-	\$18
Enrolling and Engrossing Clerk,	-	-	-	-	-	-	-	\$16
Committee Clerks,	-	-	-	-	-	-	-	\$17
Sergeant-at-Arms,	-	-	-	-	-	-	-	\$20
Door-Keeper,	-	-	-	-	-	-	-	\$16
Pages,	-	-	-	-	-	-	-	\$13
Porter,	-	-	-	-	-	-	-	\$16
Assistant Porter,	-	-	-	-	-	-	-	\$14

Mr. Hubbs submitted the following resolution as a substitute :

*Resolved*, That the per diem allowance of the Secretary of the Senate be 75 per cent. more than the per diem of a member of the Senate.

Assistant Secretary, 50 per cent. more than the per diem of a member.

Sergeant-at-Arms, 50 per cent. more than the per diem of a member.

Door-Keeper, same pay as members.

Enrolling Clerk, same pay as members.

Engrossing Clerk, same pay as members.  
 Committee Clerks, same pay as members.  
 Pages, same pay as members.  
 Porters, same pay as members.

Which was agreed to.

Mr. Fry moved, as a substitute, to fill the blanks as follows :

Secretary, \$16 ; Assistant Secretary, \$14 ; Enrolling Clerk, \$12 ; Engrossing Clerk, \$12 ; Committee Clerks, \$12 ; Pages, \$10 ; Porter, \$12 ; Assistant Porter, \$10.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Fry,  
 Miller,  
 Soule,

Messrs. Sprague,  
 Walton,  
 Warner—6.

NAYS.

Messrs. Anderson,  
 Broderick,  
 Cooke,  
 Foster,  
 Harper,  
 Hubbs,  
 Keene,  
 Keyser,

Messrs. Lind,  
 Lott,  
 Roach,  
 Snyder,  
 Tingley,  
 Van Buren.  
 Walsh,  
 Wambough—16.

So the substitute was lost.

Mr. Walsh moved to amend by adding \$2 to amount for the Secretary and Assistant Secretary, which was adopted.

Mr. Sprague moved to amend by striking out \$17 for Committee Clerks, and inserting \$12. Lost.

The question then recurring on the motion of Mr. Tingley, as amended, the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Anderson,  
 Broderick,  
 Cooke,  
 Estill,  
 Harper,  
 Keene,  
 Keyser,  
 Lind,  
 Lott,

Messrs. Miller,  
 Roach,  
 Snyder,  
 Soule,  
 Sprague,  
 Tingley,  
 Van Buren,  
 Walsh,  
 Wambough—18.



## NAYS.

Messrs. Foster,  
Fry,  
Hubbs,

Messrs. Walton,  
Warner—5.

So the motion, as amended, was adopted.

Mr. Sprague gave notice that on Tuesday next, or very early thereafter, he would introduce a bill for an Act amendatory of the Act entitled "An Act prescribing the mode of maintaining and defending Possessory Actions on Lands belonging to the United States," passed April 11th, 1850.

Mr. Walsh moved to adjourn until Tuesday, on which the ayes and nays were demanded, and resulted as follows:

## AYES.

Messrs. Anderson,  
Broderick,  
Estill,  
Harper,  
Keene,  
Keyser,  
Lind,  
Lott,

Messrs. Miller,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton—16.

## NAYS.

Messrs. Foster,  
Hubbs,  
Van Buren,

Messrs. Walsh,  
Walton—5.

So the Senate adjourned until Tuesday.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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 IN SENATE.

TUESDAY, February 3, 1852.

The Senate met pursuant to adjournment.

President absent.

On motion of Mr. Lott, Mr. Van Buren was called to the chair.

Prayer by the Rev. Mr. Woodbridge.

On motion of Mr. Anderson the reading of the journal of Saturday last was dispensed with.

On motion the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

WEDNESDAY, February 4, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journals of Saturday and Tuesday were read and approved.

Mr. Wambough presented the petition of four hundred citizens of this State asking the Legislature for relief to Thomas L. Smith, which was read and referred to the Committee on Indian Affairs.

Mr. Fry, from the Committee on Contingent Expenses, submitted the account of J. F. Howe, for five hundred dollars, on account for services rendered as Secretary of the Senate, at the commencement of the present Session, and recommended the payment of two hundred and sixteen dollars.

On motion of Mr. Van Buren the account and report were laid on the table.

A communication was received from the Secretary of State with a statement of the condition of the State Library and a catalogue of the books now in the same, which was read and referred to the Committee on the State Library.

A message was received from the Assembly informing the Senate that they did on Friday last, pass a joint resolution granting leave of absence to Judge Solomon Heydenfeldt.

Also, that the Governor did on the same day, approve and sign "An Act prescribing the manner of electing United States Senators." Also, "An Act to repeal the charter of the City of San Diego, and to create a Board of Trustees." Also, "An Act to provide for the payment of the expenses incurred in moving the archives of State from San Jose to Vallejo, and thence to the City of Sacramento.

Also, that the Assembly did on yesterday, pass a bill repealing the charter of the City of Nevada and to provide for the disposition of the property and payment of the debt of said city.

Also, that they did on yesterday, pass a joint resolution instructing our Senators and requesting our Representatives in Congress to procure an appropriation to clear out and protect the harbor of San Diego.

Also, that the Assembly had passed a bill to be entitled "An Act to change and define the boundaries of Contra Costa, and San Joaquin Counties.

Assembly "joint resolution granting leave of absence to Judge Solomon

Heydenfeldt, was taken up, read a first and second time; the rule suspended, it was then read a third time and passed.

Assembly bill for "An Act to repeal the charter of the City of Nevada, and to provide for the disposition of the property and payment of the debt of said city, was read a first and second time, and referred, to the Committee on Corporations.

Assembly joint resolution of instruction in relation to the bay and harbor of San Diego, was then read a first and second time, and referred to the Committee on Commerce and Navigation.

Assembly bill for "An Act to change and define the boundaries of Contra Costa and San Joaquin Counties, was read a first and second time and referred to the Committee on County Boundaries.

Mr. Cooke submitted a resolution requesting the Superintendent of Public Buildings to report to the Senate, without delay, the amount expended under his direction in furniture and other articles, for furnishing the Capitol, with the price of each article annexed thereto, which was read and adopted.

On motion of Mr. Anderson, so much of the Governor's Special Message as relates to the adjusted War Warrants, and War Bonds, and the Civil Fund Debt, the sub-division of Warrants, the general Revenue system, the collection of the Revenue, was referred to the Finance Committee, and so much as related to the establishment of a United States Branch Mint was referred to the Committee on Commerce and Navigation.

So much as relates to Indian Treaties and Reservations, to the Committee on Indian Affairs.

So much as relates to Hospitals, to the Committee on State Hospitals.

So much as relates to Agriculture, to the Committee on Agriculture.

Mr. Keene submitted a resolution which was adopted, referring to so much of the Governor's special message as relates to the unadjusted indebtedness of the State for Indian Wars, to a Select Committee of five, with power to send for persons and papers.

The President appointed, as such Committee, Messrs. Keene, Anderson, Sprague, Lind, and Warner.

Mr. Snyder introduced a bill for "An Act to enumerate the inhabitants of the State, which was read a first and second time and referred to a Select Committee, consisting of Messrs. Snyder, Sprague and Van Buren.

Mr. Keyser presented the account of Nicholas Allgiere, for money paid on account of Indians, which was referred to the Committee on Indian Affairs.

Mr. Soule gave notice of a bill for an Act relating to the taxation of ships and other vessels owned by non-residents of this State.

Mr. Lott introduced a bill for "An Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851, which was read a first and second time; the rules suspended, it was then read a third time and passed.

Mr. Walsh gave notice that he would, on Saturday next, or at an early day thereafter, introduce a bill for an Act to authorize the Governor to issue, and the Treasurer to sell, Warrants for the five hundred thousand acres of land, ceded to the State of California by the United States, for Common Schools.

Mr. Cooke, on leave, introduced a bill for an Act to amend an Act entitled "An Act to Fund the debt of the State, passed April 29, 1851," which was read a first and second time and referred to the Finance Committee.

Mr. Anderson gave notice that he would at an early day introduce a bill for the relief of such destitute emigrants on the road to California, during the coming season, who may be found in such condition as to require aid to enable them to reach the State.

Mr. Van Buren asked leave of absence for Mr. Broderick until Monday next. Granted.

On motion of Mr. Cooke, leave of absence was granted to Mr. Robinson, until Monday next.

On motion of Mr. Lott, leave of absence was granted to Mr. Lewis until Monday next.

A report was received from the Superintendent of Public Buildings, in relation to offices for State Officers, which was read and referred to the Committee on Public Buildings. (See Appendix.)

A message was received from the Assembly, (Mr. Keene in the chair,) informing the Senate that they had this day passed a joint resolution for the relief of H. C. Hodge, Treasurer of Nevada County.

Assembly joint resolution "for the relief of H. C. Hodge, Treasurer of Nevada County," was then read a first and second time and referred to the Finance Committee.

Mr. Ralston, on leave, presented the petition of James Gallagher, T. R. Gallagher, and J. C. Brown, praying for the privilege of erecting a toll bridge across the American River at Gallagher's Ferry, which was read and referred to the Committee on Roads and Highways.

Mr. Warner submitted a resolution authorizing the Sergeant-at-Arms, under the direction of the President of the Senate, to purchase such articles as may be necessary for the use of the Senate and to present all accounts for the same to the Committee on Contingent Expenses.

Mr. Walsh submitted a resolution, which was adopted, requesting the Committee on Public Buildings to report whether or no the office of Superintendent of Public Buildings is now filled, and if it is, by whom filled.

Mr. Hubbs submitted the following resolution, which was adopted :

*Resolved*, That a Committee of three be now appointed, in accordance with Section two, of an Act passed January 31, 1850, "prescribing the mode of receiving, keeping and paying out the Public Funds."

The chair appointed, as such Committee, Messrs. Hubbs, Walton and Foster.

Mr. Keyser introduced a bill for an Act to regulate summary proceedings for the possession of real property, which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Van Buren submitted a resolution, which was adopted, requiring the Sergeant-at-Arms to deliver to his Excellency the Governor, three copies of every bill, resolution or other document, which may be presented by order of the Senate.

Mr. Walsh submitted a resolution, which was adopted, directing the State Treasurer to furnish the Senate with a statement showing the amount of money received by him for account of the State, from 1st of January, 1851, to 1st of February, 1852, and from what sources it was received; and also, what amount has been paid out by him, between the dates specified, and to whom paid, and for what account.

Mr. Warner submitted a concurrent resolution, which was adopted, to appoint a Committee of three from each House to procure the translation



of the laws into the Spanish language, in accordance with the Act passed March 15th, 1851.

Mr. Van Buren submitted a resolution, which was adopted, instructing the Judiciary Committee, to enquire and report, what, in their opinion, is the proper construction to be placed upon Section twenty-five, of Article four, of the Constitution.

Mr. Van Buren submitted a resolution, which was adopted, instructing the Finance Committee to report to the Senate, the practicability and constitutionality of negotiating a loan, within the limits of this State, of a sufficient amount to redeem all outstanding three per cent. Bonds, such loan to be made for a less rate of interest than is now being paid by the State, on the bonds to be redeemed.

Mr. Snyder presented the account of J. S. Robb, for printing, which was referred to the Committee on Public Printing.

Mr. Van Buren introduced a bill for an Act amendatory of "An Act creating and regulating public ferries," and of "An Act to amend an Act creating and regulating public ferries," passed March 18th, 1850, which was read a first and second time, and referred to the Committee on Roads and Highways.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, February 5, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Keene presented the petition of two hundred citizens of El Dorado County, praying for the establishment of a Branch State Hospital at Placer-ville.

The petition was read and referred to the Committee on State Hospitals.

Mr. Walton requested to be relieved from serving on the Standing Committee on State Hospitals, which request was granted, and Mr. Keene was appointed to fill the vacancy.

Mr. Robinson, by request, was relieved from serving on the Committee on Commerce and Navigation.

Mr. Miller, from the Committee on Elections, to whom had been referred the petition of certain citizens of San Joaquin County, asking for a law authorizing a special election to elect a County Judge, reported that the

vacancy designed to be filled by said special election, had been filled by the Governor, as provided by law : and,

On motion of Mr. Van Buren, the report was adopted.

Mr. Robinson presented a communication, (directed to him,) from John McDougall, late Governor, accompanied with the certificate of the Deputy Recorder of El Dorado County, in relation to the charges against the Hon. Vinal Daniels, which was read and referred to the Select Committee previously appointed on that subject.

Mr. Wambough, from the Committee on Roads and Highways, to whom had been referred "a bill amendatory of an Act creating and regulating Public Ferries," and of an Act to amend "An Act creating and regulating Public Ferries," passed 18th March, 1850, reported the same back with an amendment, and recommended its passage.

The report was accepted.

A message was received from the Governor, accompanied by a report of the vacancies in offices to be supplied by the Legislature during its present session.

On motion of Mr. Cooke, the message and reports were laid upon the table. (See appendix 15.)

A message was received from the Assembly, informing the Senate that they did, on yesterday, pass "a Joint Resolution for the relief Mary Bush Hartman."

The resolution was then taken up, on motion of Mr. Van Buren, read a first and second time, and referred to the Judiciary Committee.

Mr. Robinson, on leave, introduced a bill for "an Act to appoint a Commission to codify the laws of this State," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Cooke, on leave, introduced a bill for an Act to repeal "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor-General and Attorney-General to rent offices and procure the necessary office furniture for their respective offices," passed February 9th, 1850, which was read a first and second time, and referred to the Committee on Public Buildings.

On motion of Mr. Walsh, the Senate proceeded to the election of a President pro tempore.

Mr. Cooke nominated Mr. Miller.

Mr. Anderson nominated Mr. Keene.

The Secretary then proceeded to call the roll of the Senate, and the result was as follows :

Whole number of votes,	-	-	-	-	-	23
of which—						
Mr. Keene received	-	-	-	-	-	12 votes.
Mr. Miller     "	-	-	-	-	-	9     "
Mr. Tingley   "	-	-	-	-	-	1     "

Messrs. Anderson, Fry, Lind, Lott, McKibben, Ralston, Robinson, Snyder, Sprague, Walsh, Walton and Wambough voted for Mr. Keene—12.

Messrs. Cooke, De la Guerra, Estill, Foster, Hubbs, Harper, Keyser, Roach and Van Buren voted for Mr. Miller—9.

Mr. Keene voted for Mr. Warner.

Mr. Soule voted for Mr. Tingley.

Mr. Keene having received a majority of all the votes given, was declared duly elected President pro tem. of the Senate.

Mr. Fry gave notice that at an early day he would introduce a bill for "an Act to survey and make a Road from Sacramento city by Auburn, crossing near the junction of the North and Middle Forks of the American River, thence the most practicable route to Carson's Valley.

Mr. Keyser introduced a bill for "an Act amendatory of the second Section of the Act concerning the office of State Treasurer," passed 24th January, 1850, which was read a first and second time, and referred to the Committee on Finance.

The bill for "An Act amendatory of an Act creating and regulating Public Ferries," and of "An Act to amend an Act creating and regulating Public Ferries," passed March 18th, 1850, was taken from the table, read a third time and passed.

Mr. Foster moved that a Select Committee of three be appointed to report on the mode of determining the terms of service of the new Senators, as prescribed in Section twenty-three of an Act entitled "An Act to apportion Senatorial and Assembly Districts," passed May 1st, 1851.

The motion was adopted, and Messrs. Foster, Soule and Ralston were appointed as such Committee.

Mr. Van Buren gave notice that he would at an early day introduce a bill to fund the debt of the County of San Joaquin.

Mr. Sprague, from the Committee on Public Buildings, to whom had been referred the Senate resolution in relation to the office of Superintendent of Public Buildings, reported, as the unanimous opinion of that Committee, that the office of Superintendent of Public Buildings was filled, and that James S. Graham fills said office.

The report was adopted.

Mr. Soule introduced "a Joint Resolution for the distribution of the Journals of the Convention and Legislature by the Secretary of State," which was read a first and second time; the rules suspended, it was read a third time and passed.

Mr. Estill presented the petition of the citizens of San Francisco, who volunteered under Col. John C. Hays, in accordance with a call from Governor McDougall, praying for compensation for equipments and loss of time, which was read and referred to the Committee on Indian Affairs.

Mr. Van Buren submitted a resolution, which was adopted, authorizing and instructing the Secretary of State to unseal, open, and submit to the inspection of any person desirous of reading the same, a certain package of papers now on file in his office, in reference to certain charges made against A. W. Adams, which were reported to the Senate during the last Session from a Special Committee, and directed, by the Senate, to be sealed and placed in the office of the Secretary of State.

Mr. Walton submitted a resolution, which was adopted, authorizing the Committee, to whom had been referred certain papers relating to the charge of absconding, against Hon. Vinal Daniels, County Judge of El Dorado County, to take testimony, by commission or otherwise, in relation to said charge.

On motion of Mr. Fry, the report of the Committee on Contingent Expenses, in relation to the payment of the account of Mr. Howe, (\$216) was taken from the table and adopted.



Mr. Miller submitted a resolution, requesting the Quartermaster-General to report to the Senate what amount of Arms belonging to the State are now in his possession, and the condition of the same.

Not agreed to.

Mr. Snyder, from the Committee on Claims, to whom had been referred so much of the late Governor's Annual Message as relates to the California Battalion under Colonel Fremont, submitted a report, which was read, dividing the claims of the Battalion into first and second classes, and recommending that our Senators and Representatives in Congress be requested to procure the passage of a law appropriating seven hundred thousand dollars to liquidate these claims, etc.

The report was adopted, and three hundred copies ordered printed. (See appendix 16.)

Mr. Van Buren submitted a concurrent resolution, which was passed, requesting the Governor to forward to our Senators and Representatives in Congress a certified copy of a Joint Resolution passed at the last Session of the Legislature, in reference to the claims of J. J. Petrie, Captain William Waldo, and Captain Charles A. Hall, for money expended by them for the relief of the suffering overland immigration of 1850 and 1851.

On motion of Mr. Ralston, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

FRIDAY, February 6, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Soule presented a petition from citizens of San Francisco, praying the Legislature to change the laws in relation to Pilots, which was read and referred to the Committee on Commerce and Navigation.

Mr. Cooke, from the Judiciary Committee, to whom had been referred the memorial of J. D. Carr, with instructions from the Senate to take into consideration the subject of passing a law "Prescribing the mode or manner of renewing any evidence of indebtedness against the State, owned by individuals who have lost the same by accident or otherwise"—reported that they considered it inexpedient to pass any general law on the subject, and that the memorial of J. D. Carr be referred to the Committee on Claims, and also asked to be discharged from its further consideration. The report was adopted.

Mr. Cooke, from the Committee on the Judiciary, to whom had been referred Assembly "Joint Resolution for the relief of Mary Bush Hartman,"



reported the same back, and recommended that it be indefinitely postponed.

On motion of Mr. Van Buren, the report and resolution were laid on the table.

Mr. Lott, from the Committee on Public Printing, made a report adverse to the claim of J. S. Robb, amounting to \$199 50, for Executive printing, and the report was adopted.

Mr. Hubbs, from the Committee on Finance, to whom had been referred "An Act amendatory of the 2d Section of the Act concerning the office of State Treasurer, passed 24th January, 1850," reported the same back without amendments and recommended its passage. The report was adopted.

Mr. Ralston, from the Committee on Corporations, to whom was referred Assembly bill for "An Act repealing the charter of the city of Nevada, and to provide for the disposition of the property and the payment of the debt of said city, reported the same back to the Senate without amendment, and recommended its passage.

On motion of Mr. Van Buren, the report was adopted, and the bill laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed, "An Act amendatory of an Act creating and regulating public ferries," and of "An Act to amend an Act entitled 'An Act creating and regulating public ferries,' passed March 18, 1850."

Mr. Hubbs, from the Committee on Finance, to whom had been referred Assembly "Joint Resolution for the relief of Hiram C. Hodge, Treasurer of Nevada county," reported the same back with amendments, and the report was adopted, and the resolution laid on the table.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom had been referred Assembly "Joint Resolution in relation to the Bay and Harbor of San Diego," reported the same back to the Senate without amendment, and recommended its passage. The report was adopted.

A special report was received from the Comptroller of State, in answer to a resolution passed by the Senate, January 20, 1852, showing the amount of taxes assessed for the year 1851, in each county, the amount of taxes paid by each county into the State Treasury, from July 1, 1851, to January 1, 1852, and the taxes chargeable to each county; the payments made on the same for the fiscal year 1851 to January 1, 1852, &c. The report was read, and, on motion of Mr. Hubbs, referred to the Finance Committee, with authority to print any number of copies deemed advisable. (See Appendix, 17A.)

Mr. Ralston submitted a resolution which was adopted, instructing the Judiciary Committee to enquire into the expediency of amending the law for the settlement of the estates of deceased persons.

A message was received from the Assembly informing the Senate that they did, on yesterday, pass Senate "Joint Resolution setting apart \$2500 for contingent purposes for the Senate and Assembly."

Also, that they had passed Senate concurrent resolution appointing a Joint Committee to procure the translation of the laws into the Spanish language, and that they had appointed Messrs. Pacheco, Dell Valle and Hinchman, such Committee on their part.

Mr. Lott moved that Mr. Snyder, who presented the claim of John S. Robb, be allowed to withdraw the same.

Agreed to.

Mr. Walsh submitted a resolution, which was adopted, requiring the Treasurer of State to furnish the Senate a report of the receipts and disbursements of the Treasury, from the termination of the last fiscal year up to the 1st day of February, 1852.

On motion of Mr. Warner, the resolution in reference to the same subject, passed by the Senate on yesterday, was rescinded.

Mr. Warner submitted the following resolution, which was adopted :

*Resolved*, That the Sergeant-at-Arms be instructed to deliver sixty-five copies of all bills printed by order of the Senate, to the Clerk of the Assembly.

Mr. De la Guerra gave notice that he would at an early day introduce a bill for an Act to amend "An Act regulating the estates of deceased persons."

Mr. Wambough gave notice that at an early day he would introduce a bill for an Act to authorize and encourage the establishment of Agricultural Societies in this State.

Mr. Van Buren gave notice that he would at an early day introduce a bill for "an Act to repeal the law creating the office of Public Administrator and defining his duties, and for other purposes."

Mr. Wambough introduced a bill for "an Act prescribing the mode of maintaining and defending possessory actions on public lands within this State," which was read a first and second time and referred to the Committee on Public Lands.

On motion of Mr. Hubbs, Senate bill for "an Act amendatory of the 2d Section of the Act concerning the Office of State Treasurer," passed 24th January, 1850, was taken from the table, read a third time and passed.

Mr. Ralston gave notice that he would at an early day introduce a bill for an Act to repeal an Act passed April 28th, 1851, entitled "an Act concerning Public Administrators and defining their duties."

Assembly Joint Resolution of Instruction to our Senators and Representatives in Congress, in relation to the Bay and Harbor of San Diego, was taken from the table, read a third time and passed.

Mr. Hubbs submitted the following resolution :

*Resolved*, That the Chairmen of the Committees on Commerce and Navigation, on Education, and on Indian Affairs, are authorized to rent a room and supply the same with fuel, at an expense not exceeding fifty-five dollars per month for each room, and that necessary furniture be supplied for the same.

Mr. Warner moved to amend by adding, "also, that the Chairmen of the Committees on Mines and Mining Interests, and Mission Lands, procure rooms upon the same terms.

Mr. Lott moved to lay the resolution and amendment on the table, which was not agreed to, when leave being granted, Mr. Hubbs withdrew the resolution.

Mr. Warner submitted the following resolution which was adopted.

*Resolved*, That of all bills printed in accordance with the thirty-ninth rule of the Senate, (unless otherwise ordered,) one hundred and twenty-five copies shall be printed.

Mr. Anderson submitted a resolution, which was adopted, appointing a Committee of three to inquire into the disposition of the several rooms in this building, and Messrs. Anderson, Estill and Lott were appointed as such Committee.

Mr. Lind moved to adjourn.

Not agreed to.

Mr. Lott moved that the Senate take a recess until fifteen minutes before 11 o'clock to-morrow.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Lott,  
Ralston,

Messrs. Warner—3.

NAYS.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,  
Hubbs,

Messrs. Lind,  
Miller,  
Roach,  
Snyder,  
Sprague,  
Walton—13.

So the motion was lost.

Mr. Sprague moved a call of the Senate, which was sustained.

The Secretary called the roll, and the following Senators were absent :

Messrs. Broderick, Fry, Harper, Keene, Keyser, Lewis, McKibben, Soule, Tingley, Van Buren, Walsh and Wambough.

On motion of Mr. Cooke, further proceedings under the call were dispensed with.

On motion of Mr. Warner, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, February 7, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday, was read and approved.

Mr. Sprague from the Committee on Public Buildings, to whom was referred the bill for an "Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices, and procure the necessary office furniture for their respective offices," passed February 9th, 1850, reported the same back without amendment, and recommended the passage of a joint resolution, directing the Superintendent of Public Buildings to procure suitable offices and furniture, for the several Officers of State, until otherwise permanently provided for.

On motion of Mr. Van Buren the report was adopted and the bill laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "An Act amendatory of the second Section of the Act concerning the office of State Treasurer, passed 24th January, 1850." Also, Senate joint resolution providing "for the distribution of the journals of the Convention and Legislature, by the Secretary of State."

Report adopted.

Mr. Hubbs, from the Joint Committee, "to examine the public buildings at Vallejo, and report whether General Vallejo has complied with his contract," reported that the Committee, to make a proper report, must examine the buildings at San Jose, and requested to be directed by the Senate to proceed to San Jose for that purpose.

On motion the report was accepted and laid on the table.

Mr. Anderson, from the Special Committee, to enquire into the disposition of the rooms in this building, reported what rooms might be occupied by the respective Committees of the Senate, and on motion of Mr. Van Buren the report was adopted.

A message was received from the Assembly informing the Senate that they did, on yesterday, pass Senate bill for "An Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851."

Also, that they had passed bill for "An Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union."

Also, a joint resolution of instruction to our Senators in relation to Humboldt Bay.

Also, that they did on yesterday pass a joint resolution in reference to the cession of Angel Island by the General Government to the State of California for State prison purposes.

Assembly bill for "An Act respecting fugitives from labor," was read a first and second time, laid on the table and ordered printed.

Assembly "joint resolution in relation to Humboldt Bay," was read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly joint resolution in reference to the "cession of Angel Island,"



was read a first and second time and referred to the Committee on State Prisons.

Mr. Warner submitted a resolution, which was adopted, requesting the Comptroller to report to the Senate the circumstances connected with the payment of two hundred and sixteen dollars to the State Treasurer, by the Treasurer of Santa Barbara County.

Mr. Anderson moved to reconsider the resolution, passed yesterday, in relation to printing bills, which was carried. The resolution was then amended by striking out "one hundred and twenty-five," and inserting "two hundred," and passed.

Mr. Robinson, on leave, introduced a bill for "An Act appropriating money to meet the contingent expenses of government," which was read a first and second time; the rules suspended, it was then read a third time, and on the question, "Shall the bill pass?" the ayes and nays were demanded and resulted as follows:

#### AYES.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Harper,  
Keene,  
Keyser,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walton,  
Warner.—18.

#### NAYS.

Messrs. Hubbs,  
Ralston.

Messrs. Van Buren.  
Wambough.—4.

So the bill was passed.

Mr. Van Buren asked leave of absence for Mr. Cooke, for four days. Granted.

Assembly "joint resolution for the relief of Hiram C. Hodge, Treasurer of Nevada County," was taken from the table, the amendment reported by the Committee, adopted, it was then read a third time and passed.

Mr. Estill presented the claims of Messrs. Soule and Page, Mr. J. Hammond, Messrs. Lovett & Co., for lumber, &c., for the State Capitol, at Vallejo, which were read and referred to the Committee on Claims.

On motion of Mr. Hubbs, two thousand copies of the special report of the Comptroller, was ordered printed in English and five hundred in the Spanish languages, under the direction of the Committee on Public Printing.

On motion of Mr. Van Buren, the "joint resolution for the relief of Mary Bush Hartman," was taken from the table, and, on leave, Mr. Van Buren introduced as a substitute for the resolution, a bill for "An Act for the relief of Mary Bush Hartman," which was read a first and second time, and objections being made to a third reading, it was laid over under the rule.

Mr. Warner submitted a resolution, which was adopted, appointing a Standing Committee of three to procure the translation of all documents required to be translated into the Spanish language by the Senate, until a translator shall be provided in conformity to law.

The chair appointed, as such Committee, Messrs. Warner, Lott, and De la Guerra.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed the bill for "An Act to appropriate moneys to meet the contingent expenses of government."

The report was adopted.

Mr. Keene, from the Committee on Contingent Expenses, reported as correct, the claim of George Wilson, for twenty-four dollars. And also the claim of R. H. McDonald, for seven dollars and twenty-five cents.

On motion of Mr. Hubbs, the report was concurred in.

Mr. Estill offered a resolution, that a Committee of three be appointed to procure three rooms, and to assign them to the use of the Senate Committees, and that the Sergeant-at-Arms provide furniture for the same.

The resolution was adopted and Messrs. Estill, Anderson and Snyder, were appointed as such Committee.

Mr. Van Buren offered a resolution that the Clerks of the various Committees be required, under the direction of the Secretary, to copy all bills or documents, ordered to be printed by the Senate, and that said Clerks, when not employed in their official duties, be required to perform duties which may be ordered by members of the Senate.

Adopted.

A communication was received from the Comptroller, in relation to a payment of two hundred and sixteen dollars, made by the County Treasurer of Santa Barbara County, to the State Treasurer, which was read and referred to the Finance Committee.

A message was received from the Assembly informing the Senate that they did, on yesterday, pass a resolution to appoint a Committee of five to act with a similar Committee from the Senate, to whom shall be referred all reports from the Hospitals of this State, and that Messrs. Merritt, Yeiser, McMullen, Parrish, and Hopkins, were appointed as such Committee, on the part of the Assembly.

On motion of Mr. Van Buren, the message was laid on the table.

Mr. Warner introduced, on leave, "a joint resolution, authorizing the State Treasurer to pay one hundred and sixteen dollars, mileage, to the Treasurer of Santa Barbara County, which was read a first and second time, and referred to Committee on Finance.

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, February 9, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

The Journal of Saturday was read and approved.

Mr. Anderson from the Committee on the Judiciary, to whom had been referred the Bill for "an Act to provide for the payment of the Salary of E. Heydenfeldt," reported the same back without amendment and recommended its passage. The report was adopted, and the Bill was read a third time and passed.

Mr. Hubbs from the Committee on Commerce and Navigation, to whom had been referred Assembly "Joint Resolution of Instruction to our Senators relative to Humboldt Bay," reported the same back without amendment. The Resolution was then taken up, amended on motion of Mr. Harper, by inserting Trinidad Bay, read a third time and passed.

Mr. Miller from the Committee on Elections, to whom had been referred the matter of the contest between John H. Harper, J. W. Denver and John A. Lyle for the seat in the Senate, from the Twenty-second Senatorial District, reported that the Committee were unable to agree in opinion and submitted the papers and written testimony in the case, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Lind, the report was accepted and made the special order of the day for Thursday next.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed the Bill for "an Act for the relief of Mary Bush Hartman."

Mr. Roach from the Joint Committee on Enrolled Bills, reported as correctly enrolled "a Joint Resolution granting leave of absence to Justice Heydenfeldt of the Supreme Court." Also "a Joint Resolution authorizing the Comptroller to issue a duplicate warrant to John L. Smith." Also "a Joint Resolution instructing our Representatives in Congress to obtain an increase of the salaries of the U. S. District Judges in California." Also "an Act concerning County Recorders." Also "a Joint Resolution to set apart twenty-five hundred dollars to meet the current contingent expenses of Senate and Assembly," and the report was adopted.

Mr. Keyser from the Committee on County Boundaries, to whom had been referred Assembly bill for "an Act to change and define the boundaries of Contra Costa and San Joaquin Counties," reported the same back without amendment, and it was read a third time and passed.

A message was received from the Governor, stating that the following vacancies were to be filled during the present session of the Legislature, viz:—

Five Trustees of the State Marine Hospital, at San Francisco; three Trustees for the State Hospital, at Stockton; and four Trustees for the State Hospital, at Sacramento City: which was read and referred to the Committee on Elections.

Mr. Fry submitted a resolution which was adopted, instructing the Committee on Mines and Mining Interests to report a joint resolution to Con-

gress, asking the right of way for certain purposes through the mineral and agricultural lands of this State.

Mr. Lott, by request, was relieved from serving on the Committee to procure the Translation of Laws, and Mr. Foster was appointed to fill the vacancy.

On motion of Mr. Van Buren, the bill for "an Act for the relief of Mary Bush Hartman," was taken up, read a third time and passed.

Mr. Van Buren submitted the following resolution, which was adopted.

*Resolved*, That the Committee on State Hospitals be instructed to visit, in conjunction with the Committee appointed by the Assembly, the State Hospital at Sacramento, and report upon its present condition.

Mr. Walsh from the Committee on State Prisons, to which was referred the Joint Resolution in reference to the cession of Angel Island, reported, recommending that so much of said Island as may be found to belong to the United States be ceded to the State of California for State Prison purposes.

The report was adopted.

Mr. Ralston, on leave, introduced a bill for "an Act to create a Board of Supervisors for the County of Sacramento," which was read a first and second time, and referred to the Committee on Corporations.

A message was received from the Assembly, informing the Senate that they had concurred in the Senate concurrent resolution requesting the Governor to forward certified copies of a joint resolution passed at the last Session of the Legislature, in reference to the claims of J. J. Petrie and others, to our Senators and Representatives in Congress.

Also that the Assembly refused to pass Senate "Joint Resolution requiring the Comptroller and Treasurer to suspend payment or issue of bonds in settlement of claims for Indian Wars."

Mr. Fry, on leave, introduced a bill for "an Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7, 1851," which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed the bill for "an Act for the relief of Mary Bush Hartman."

Mr. Estill submitted the following preamble and resolution—

*Whereas*, By special message of Governor Bigler, dated July 30, 1852, it is stated that the war debt of the State amounts to \$1,445,377 79, of which \$1,000,000 is given as an estimated amount, and *whereas*, the stock of the State may be materially affected by this statement of her liabilities. Therefore,

*Resolved*, That a Special Committee of three be appointed to examine into the actual and approximate condition of the State liabilities, both for war and civil purposes, and report at as early a day as practicable.

Mr. Lott submitted the following resolution as a substitute—

*Resolved*, That the Committee on Finance be requested to inquire into



that portion of Governor Bigler's special message that refers to the State indebtedness, and report the same as soon as practicable—which was not agreed to.

Mr. Hubbs then submitted a resolution as a substitute, instructing "the Finance Committee to report the amount of the war debt," which was not agreed to.

The question recurring on the original resolution, it was adopted, and Messrs. Estill, Foster and Van Buren were appointed the committee.

On motion of Mr. Walsh, Assembly bill for "an Act repealing the Charter of the City of Nevada, and to provide for the disposition of the property and payment of the debt of said City," was taken from the table, read a third time and passed.

Mr. Wambough, on leave, introduced a "Joint Resolution for the relief of J. T. Hughes," which was read a first and second time, and referred to the Judiciary Committee.

A message was received informing the Senate that the Assembly had passed yesterday a concurrent resolution to meet the Senate in convention, on Friday 13th inst., for the purpose of electing a State Printer. Also "a Joint Resolution requiring the Comptroller to draw a Warrant in favor of J. F. Howe." And a bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa volunteers in twelve per cent. bonds.

Mr. Roach moved to lay the concurrent resolution to elect a State Printer on the table. Lost.

Mr. Keyser moved to amend, by adding "and to elect a Quarter-master General." Lost.

Mr. Warner moved to amend the resolution by striking out "meet in convention," and inserting "to elect by concurrent resolution."

Mr. Estill moved to amend the amendment by striking out "Friday 13th," and inserting "Monday 16th," which was agreed to.

The question then recurring on the amendment as amended, it was lost by the following vote.

# AYES.

Messrs. Anderson,  
Estill,  
Foster,  
Lind,

Messrs. Lott,  
Roach,  
Warner—7.

# NAYS.

Messrs. Fry,  
Harper,  
Hubbs,  
Keene,  
Keyser,  
McKibben,  
Miller,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walsh,  
Walton,  
Wambough.—13.

On motion of Mr. Anderson, the further consideration of the resolution was postponed until Friday 13th inst. at 12 o'clock.

Assembly "Joint Resolution requiring Comptroller to draw Warrants in favor of J. F. Howe," was taken up, read a first and second time, the rules suspended, it was read a third time and passed by the following vote:—

## AYES.

Messrs. Anderson,  
Estill,  
Fry,  
Harper,  
Hubbs,  
Keene,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Sprague,  
Van Buren,  
Walsh,  
Walton,  
Wambough.—16.

## NAYS.

Mr. Foster,

Mr. Warner—2.

Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa volunteers" in twelve per cent. bonds, was taken up, read a first and second time, and referred to the Committee on Indian Affairs.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, February 10, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Walsh presented a petition from the Stockholders of the Rough and Ready Quartz Mining Company, praying for an amendment, as to time, in the law requiring Incorporated Companies to make their annual financial reports, which was referred to the Committee on Corporations.

Mr. Wambough gave notice that he would at an early day introduce a bill for "an Act to suppress and prevent the public fighting of wild or domestic animals." Also, a bill for "an Act to reclaim the Tule Lands in Yolo County."

On motion of Mr. Estill, Assembly Joint Resolution relative to J. F. Howe, passed yesterday, was reconsidered.

And, on motion of Mr. Van Buren, the third reading of the resolution was also reconsidered.

Mr. Estill then moved to amend the resolution by striking out the words "*Resolved*, by the Senate and Assembly," and inserting "The people of the State of California, represented in Senate and Assembly, do enact as follows."

The amendment was adopted, and the resolution referred to the Committee on Claims.

A message was received, informing the Senate that the Assembly had refused to pass Senate substitute for a joint resolution of the Assembly "for the relief of H. C. Hodge, Treasurer of Nevada County."

Also, that the Governor did, on Friday last, sign "Joint Resolution granting leave of absence to Judge Solomon Heydenfeldt;" a "Joint Resolution authorizing the Comptroller to issue a duplicate Warrant to John L. Smith;" a "Joint Resolution relative to the Civil Fund;" and that he did, on Saturday last, sign a "Joint Resolution instructing our Senators and requesting our Representatives in Congress to obtain an increase of the salaries of the United States District Judges in California."

Also, that the Assembly had passed Senate bill "to provide for the payment of the salary of E. Heydenfeldt."

A motion by Mr. Walsh, that the Senate adhere to their substitute for Assembly "Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County;" and that a Committee of Conference on the disagreeing vote of the two Houses, be appointed, was carried.

The President appointed Messrs. Walsh, Wambough and Sprague, the Committee.

Mr. Roach, on leave, submitted a resolution directing the Committee on Indian Affairs to examine the claims of citizens of Monterey, on file in the Comptroller's office, for services against the Indians, and to report a bill for their relief, if in their opinion such relief is just and proper, and to report the items of expenditures and the demands.

Adopted.

Mr. Keene submitted a resolution instructing the Judiciary Committee to report if any law has been passed fixing the amount to be allowed to those who served in campaigns against the Indians in the County of El Dorado, during the year 1851.

Mr. Warner moved to amend by inserting, after the word El Dorado, the words "Los Angeles, Monterey and Clear Lake Expeditions," which was adopted, and the resolution, as amended, passed.

Mr. Lott, from the Committee on Claims, to whom was referred the Assembly Joint Resolution as amended by the Senate, in relation to the claims of J. F. Howe, reported the same back and recommended its passage. The resolution was then read a third time; and, on the question "Shall the resolution, as amended, pass?" the ayes and nays were demanded by Messrs. Warner and Robinson, and resulted as follows:

AYES.

Messrs. Anderson,  
Estill,  
Foster,

Messrs. Lott,  
McKibben,  
Miller,

Fry,  
Hubbs,  
Keene,  
Lind,

Ralston,  
Van Buren,  
Walsh,  
Wambough—14.

NAYS.

Messrs. Robinson,  
Sprague,

Mr. Warner—3.

So the resolution, as amended, was passed.

Mr. Roach, from the Committee on Enrolled Bills, reported as correctly enrolled the bill for "an Act to provide for the payment of the salary of E. Heydenfeldt," and the report was adopted.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :  
A. C. BRADFORD, Secretary.

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## IN SENATE.

WEDNESDAY, February 11, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Sprague, from the Judiciary Committee, to whom was referred the "Joint Resolution for relief of John T. Hughes," reported the same back, and recommended that it be indefinitely postponed.

The report was concurred in, and the resolution indefinitely postponed.

Mr. Ralston, on leave, introduced a bill for "an Act to authorize the prosecution of suits in certain cases by executors and administrators, without the payment of costs in advance, and to repeal 'an Act concerning the fees of Public Administrators,' " passed April 28th, 1851, which was read a first and second time and referred to the Judiciary Committee.

A message was received from the Governor informing the Senate that he did, on yesterday, approve an Act entitled "an Act to provide for the payment of the salary of E. Heydenfeldt."

Mr. Wambough, from the majority of the Special Committee appointed to examine into the policy pursued by the United States Indian Commissioners in negotiating certain treaties with different Indian tribes in this State, reported against the policy pursued by said Commissioners in treating with the Indians in California, and submitted concurrent resolutions instructing our Senators in Congress to oppose the confirmation of any and all treaties



made with Indians of California, granting them exclusive right to occupy any of the public lands of this State.

Also, instructing our Senators and requesting our Representatives in Congress to use their best endeavors to induce the Federal Government to remove the Indians of this State beyond its jurisdiction.

The report was read, when Mr. Wambough moved to lay the report and resolutions on the table until Saturday at 12 o'clock.

Mr. Warner called for a division of the question.

The vote was first taken upon laying on the table until Saturday at 12 o'clock, and carried.

The question was then taken on the printing of five hundred copies, and carried.

And, on motion of Mr. Van Buren, the printing was ordered to be deferred until after to-morrow, in order that Mr. Warner may have time to make a minority report.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported, as correctly enrolled, "an Act requiring the Comptroller to draw his Warrant in favor of J. F. Howe."

Adopted.

A message was received from the Assembly, informing the Senate that they did, on yesterday, pass Senate bill for "an Act for the relief of Mary Bush Hartman."

Also, that they passed Senate "Joint Resolution for the distribution of the Journals of the Convention and Legislature, by the Secretary of State," with amendments, to wit: strike out "The Assembly concurring," and insert "By the Senate and Assembly," and insert for "Journal," "Journals;" and after "fifty," add "fifty-one."

Also, that they did on yesterday pass a bill for "an Act for the relief of W. H. Endicott, under Sheriff of Nevada County."

And that they had concurred in the Senate amendment to "a Joint Resolution of Instructions to our Senators, relative to Humboldt Bay."

Assembly bill "for the relief of W. H. Endicott, under Sheriff of Nevada County," was taken up, read a first and second time and referred to the Committee on Claims.

Mr. Wambough submitted a resolution, which was adopted, inviting Messrs. Denver, Lyle and Harper to take seats within the bar of the Senate on Thursday, if they see proper to defend their claim to a seat in the Senate from the twenty-second district.

A message was received from the Assembly, informing the Senate that they did on yesterday concur in the Senate amendment to the bill for "an Act for the relief of J. F. Howe."

Mr. Wambough introduced a bill for "an Act to provide for the establishment and regulation of Agricultural Societies in this State," which was read a first and second time and referred to the Committee on Agriculture.

Mr. Warner introduced a bill for "an Act granting the right of way to the United States through this State," which was read a first and second time and referred to the Committee on Public Lands.

On motion of Mr. Wambough, the resolution inviting Messrs. Denver, Lyle and Harper to take seats within the bar of the Senate on Thursday, was reconsidered, and a substitute adopted inviting them to take seats

within the bar of the Senate on Thursday, to be heard in person and by counsel, to defend their claims to a seat in the Senate.

Mr. Soule presented the claim of Messrs. Cronin and Markley for nine hundred dollars, (\$900) for rent of room for State Armory, which was read and referred to the Committee on Claims.

Mr. Broderick presented the petition of citizens of San Francisco, praying the Legislature to provide for the appointment of a Guager and Inspector of Liquors for the City of San Francisco, which was read and referred to the Committee on Commerce and Navigation.

Mr. Hubbs presented the petition of citizens of San Joaquin County, "praying the Legislature to establish by law a State Road from Stockton to Mitchel's Bridge, on Tuolumne river, and thence the nearest route to Mariposa City," which was read and referred to the Committee on Roads and Highways.

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BEADFORD, Secretary.

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## IN SENATE.

THURSDAY, February 12, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The journal of Wednesday was read and approved.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act repealing the charter of the city of Nevada, and to provide for the payment of the debts of said city." Also, "An Act to change and define the boundaries of Contra Costa and San Joaquin Counties." Also, "a joint resolution in relation to the bay and harbor of San Diego."

Report adopted.

Mr. Hubbs, from the Finance Committee, to whom had been referred Senate joint resolution, and a communication from the Comptroller, relating to the County Treasurer, of Santa Barbara, reported as a substitute for the joint resolution, a bill for "An Act for the relief of the Treasurer of Santa Barbara County," and the report was adopted.

Mr. Snyder, from the Committee on Claims, to whom was referred the memorial of J. D. Carr, reported the same back, and recommended that a special Act be passed for the relief of the memorialist, and the report was adopted.

Mr. Snyder also reported back, as correct, the claims of Soule and Page for one thousand six hundred and twenty-two dollars and thirty-eight cents, (\$1,622 38,) of J. Hammond, for three hundred and sixty-nine dollars and

ninety-six cents, (\$369 96) and of Lovett & Co., for three hundred and sixty-five dollars and ninety cents, (\$365 90) and recommended that they be ordered paid.

On motion the report was accepted.

Mr. Anderson, from the Special Committee, to whom had been referred the Senate resolution, upon the subject of the disposal of the public domain of the United States, in the State of California, reported a memorial thereon to the Congress of the United States, with accompanying resolution, which were read and laid on the table, and one thousand copies ordered printed; and, on motion of Mr. Van Buren, made the special order of the day for Thursday next. (See Appendix.)

Mr. Van Buren introduced a bill for "An Act exempting the Hospital and Interest Funds from the operations of the Act entitled "An Act requiring the Treasurer to retain certain moneys, until appropriations thereof shall be made by law," which was read a first and second time and referred to Mr. Warner, with instructions to report the same back to-morrow.

Mr. Anderson submitted a resolution, which was adopted, requiring the Surveyor-General to report such information to the Senate relative to the lands of this State, and other matters connected with his office, as are important thereto.

On motion of Mr. Van Buren, the Assembly amendments to the Senate "joint resolution authorizing the distribution of the journals, by the Secretary of State," were taken up, amended and passed.

Mr. Broderick called up the bill for "An Act for the relief of the Treasurer of Santa Barbara County," which was read a first and second time: the rules suspended, it was read a third time and passed.

Mr. Walsh, from the Committee of Conference, on the disagreeing votes of the two Houses, on the "joint resolution for the relief of H. C. Hodge," reported that the Joint Committee had agreed to the following as an amendment: "*Provided*, said Treasurer produce to the Comptroller satisfactory testimony, by oath or otherwise, that said Scrip was actually received for said Licenses, in the absence of any knowledge by him, of the Act of 1851, forbidding the payment of taxes in State Scrip."

The report was adopted and the amendment concurred in.

On motion of Mr. Ralston the matter of the contested seat, in the Senate, for the Twenty-second Senatorial District, made the special order for this day, was taken up, and on motion of Mr. Soule, was made the special order for Monday next.

Mr. Keene, on leave, introduced a bill for "An Act to change the name of Lucy A. Stoddard Wakefield," which was read a first and second time: the rules suspended, it was read a third time and passed.

Mr. Estill, from the Committee on Indian Affairs, to whom was referred the bill for "An Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers, in twelve per cent. Bonds," reported the same back, and recommended its passage.

The report was adopted and the bill laid over until to-morrow.

A message was received from the Assembly, informing the Senate that they did on yesterday, pass a "bill directing the Comptroller to draw Warrant in favor of J. P. Wyatt, for ninety-five dollars."

The bill was read a first and second time, and referred to the Committee on Claims.

Mr. Estill presented the claim of William J. Whitney, of eighteen thousand and two hundred and seventy-nine dollars and thirteen cents, (18,279 13) for furniture for the State Capitol, which was read and laid on the table.

Mr. Sprague submitted a resolution, which was adopted, requiring the Superintendent of Public Buildings to report to the Senate, what debts, if any, he has contracted, on account of Furniture for the Legislative Hall, and Officers of State; and that if any purchases have been made, that full bills of each purchase accompany his report.

Mr. Estill, from the Special Committee, to whom was referred a resolution requiring them "to examine into the actual and approximate condition of the State liabilities," reported the whole amount of war liabilities to be \$795,135 87.

Of which had been <i>allowed</i> ,	- - - - -	\$233,355 79
Total amount of civil indebtedness, December 31st,		796,963 95

Making total indebtedness, allowed by law,	- -	\$1,030,319 74
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Total amount of War Claims, not acted upon,	-	\$561,355 79
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Total,	- - - - -	\$1,591,675 53
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The report was read and laid on the table.

Mr. Fry submitted a resolution, which was adopted, requesting the Comptroller to report to the Senate the *data* by which he was governed in making his estimate of the War Debt, as showed in the Governor's special message.

Mr. Ralston submitted a resolution, which was adopted, appointing a Committee of three to examine into the accounts and nature of the alleged defalcation of the Treasurer of Calaveras County, and report if any Legislation is authorized and required in relation thereto.

The President appointed, as such Committee, Messrs. Ralston, Foster and Roach. On motion of Mr. Lott, Mr. Lind was added to the Committee.

On motion the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## SENATE.

FRIDAY, February 13, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tempore in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.



Mr. Roach from the Joint Committee on Enrollments reported as correctly enrolled, "an Act for the relief of Mary Bush Hartman," and the report was adopted.

Mr. Warner, to whom had been referred the bill for "an Act exempting the Hospital and Interest Funds from the operations of an 'Act requiring the Treasurer to retain certain monies until appropriations thereof shall be made by law,'" reported the same back with an amendment, which was not agreed to. The bill was then read a third time and passed.

A message was received from the Assembly, informing the Senate that the Assembly did on yesterday concur in the amendment proposed to the Senate Joint Resolution for the relief of the Treasurer of Nevada County, by the Committee of Conference of the two houses;

And that the Governor returned to the Assembly on the 11th inst., Joint Resolution appropriating two thousand five hundred dollars (\$2,500) for contingent purposes, for informality or want of constitutional form;

And that the Assembly did on yesterday reconsider the vote by which the resolution passed that body, and have amended the same as indicated by the message of the Governor.

Assembly concurrent resolution fixing the time for the two houses to meet in convention to elect a State Printer, was taken up on motion of Mr. Ralston, and amended by striking out the "13th of February," and inserting the "19th," and the resolution was then laid upon the table.

A bill was introduced by Mr. Miller for "an Act for the relief of Soule and Page, and others," which was read the first and second time, and objections being made to a third reading, it was laid over under the rule.

Mr. James S. Graham, Superintendent of Public Buildings, pursuant to a resolution passed by the Senate on twelfth instant, requiring time to report what purchases he has made, or debts contracted for furniture for the Legislative Halls, and Offices of State, submitted a report, which was read, and with the accompanying documents, referred to the Committee on Claims. (See Appendix 19.)

Mr. Warner from the Select Committee, to whom had been referred certain resolutions, requiring them to inquire into the policy of the United States Indian Commissioners in treating with different Indian Tribes of this State, submitted a minority report, which was read and accepted.

On motion of Mr. Wambough, five hundred copies were ordered printed in the English, and two hundred and fifty copies in the Spanish languages. (See Appendix 20.)

Mr. Robinson (Mr. Sprague in the chair), asked leave for the Committee on State Hospitals to withdraw from the Senate for the purpose of visiting the Sacramento State Hospital in conjunction with the Assembly Committee. Granted.

Assembly bill for an "Act directing the State Treasurer to redeem Warrants issued to Mariposa volunteers in twelve per cent. bonds," was taken up on motion of Mr. Estill, and the consideration of the same further postponed until to-morrow at 12 o'clock.

Mr. Foster from the Committee to whom was assigned the duty of examining into, and reporting upon the mode of drawing for the terms of the new Senators reported, that the Committee was composed entirely of Senators who may be called upon to draw for terms, and begged to be excused;

recommending that three Senators whose term of office expires this year, be appointed on this Committee.

The report was accepted, the Committee excused, and the chair announced as the Committee in their stead, Messrs. Van Buren, Miller and Tingley. On motion the Senate adjourned.

B. FRANK KEENE.

President pro tempore.

Attest:

A. C. BRADFORD, Secretary.

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SENATE.

SATURDAY, February 14, 1852.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem., in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday last was read and approved.

Mr. Walsh submitted the following report:

*Mr. President:*

The Select Committee, to whom was referred the petitions of certain citizens of Vallejo, asking relief, have had the matters appertaining under consideration, and find they are unable to make any definite report upon the matters submitted, and ask leave to be discharged.

J. WALSH,

Chairman of the Committee.

On motion of Mr. Lind, the report was accepted and the Committee discharged.

On motion of Mr. Van Buren, the majority and minority Reports of the Committee to inquire into the policy of the United States Indian Commissioners in negotiating treaties with the different Indian tribes of this State, and made the special order for to-day, were taken up.

And, on motion of Mr. Wambough, they were made the special order for Wednesday next, at 12 o'clock, M. (Appendix 20.)

Mr. Fry, from the Committee on Contingent Expenses, reported as correct the account of C. H. Veeder, for two hundred and five dollars, (\$205) for fuel furnished the Legislature at Vallejo.

Also, the account of Hinckley and Davis, for forty-five dollars, (\$45) for a case of pigeon holes for the Senate, recommending that twenty-five dollars (\$25,) be allowed on it; and the account of Gilbert Coudle, for services as lamp-lighter, which the Committee submitted to the consideration of the Senate.

Mr. Broderick moved that reference of the accounts of Hinckley and

Davis, and Gilbert Coudle, to Messrs. Robinson and Estill, which was agreed to.

Mr. Warner, from the Committee to procure the Translation of such documents as may be ordered by the Senate, reported that the Committee had procured the translation of the Governor's special Message, at a cost of ninety dollars and seventy-five cents, and submitted a bill for "an Act to provide for the payment of a Translator."

The report was accepted.

The bill read a first and second time, and objections being made to a third reading, it was laid over under the rule.

On motion of Mr. Miller, the Senate went into Committee of the Whole on Vallejo claims, Mr. Van Buren in the chair.

On motion of Mr. Lind, the Committee rose, reported the claims back, and were discharged from their further consideration.

Mr. Broderick gave notice that on Monday he would move to repeal Senate Rule No. 19.

On motion of Mr. Warner, the vote upon the passage of Senate bill for "an Act exempting the Hospital and Interest Funds from the operation of the Act entitled 'An Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law,'" was reconsidered.

And, on motion of Mr. Van Buren, the third reading of the bill was reconsidered.

Mr. Warner then moved to amend by inserting after "Hospital Fund" the words "arising from auction and gaming licenses."

Mr. Fry moved to refer the bill to the Finance Committee, which was not agreed to, by the following yeas and nays :

#### AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Keyser,

Messrs. Miller,  
Soule,  
Wambough—7.

#### NAYS.

Messrs. Anderson,  
Foster,  
Hubbs,  
Keene,  
Lewis,  
Lott,  
Ralston,

Messrs. Robinson,  
Snyder,  
Sprague,  
Van Buren,  
Walton,  
Warner—13.

The amendment as proposed by Mr. Warner, was then adopted by the following ayes and nays :

#### AYES.

Messrs. Anderson,  
Estill,

Messrs. Robinson,  
Snyder,

Foster,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Sprague,  
Van Buren,  
Walton,  
Warner,  
Wambough—14.

## NAYS.

Messrs. Broderick,  
Fry,  
Keyser,

Messrs. Miller,  
Ralston,  
Soule—6.

The bill as amended was considered engrossed, read a third time, and, on the question "Shall the bill pass," the ayes and nays were demanded by Mr. Broderick with the following result :

## AYES.

Messrs. Anderson,  
De la Guerra,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Messrs. Ralston,  
Robinson,  
Snyder,  
Sprague,  
Van Buren.  
Walton,  
Warner,  
Wambough—16.

## NAYS.

Messrs. Broderick,  
Fry,  
Keyser,

Messrs. Miller,  
Soule—5.

So the bill was passed.

The special order of the day, being Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers, in 12 per cent. bonds," postponed from yesterday, was taken up—when, on motion of Mr. Warner, the bill was re-committed to the Committee on Indian Affairs, with instructions to report on the equity of all other expenses incurred for the suppression of Indian hostilities being paid out of the War Fund; and if there is a sufficient fund to defray all such expenses; and that said Committee be required to produce for the examination of the Senate all the original bills, item for item, for expenses incurred on account of Indian Wars—the claims for which may be under consideration by said Committee.

The President laid before the Senate the following Special Report of the Comptroller :



To the Honorable the Senate of California :

GENTLEMEN—

Pursuant to a Resolution adopted by your body on the 11th instant, calling on me "to furnish the data upon which I based my estimate of the War Debt," etc., I have the honor to state in reply, that the war debt liquidated, and evidences of indebtedness issued therefor, was obtained from the records of this office. With regard to the war claims *yet to be presented*, (as specified in my report to the Governor to which you refer,) I can only repeat, in substance, what has already been verbally stated to the Committee, that in making the estimate of this class of claims, I was guided principally by the information obtained from those who had been connected with those expeditions or a part of them—by what I conceived to be reliable data afforded in the settlement of the Mariposa expedition, which disclosed the fact that the items of supplies, transportation, and all other contingents, amount to near *one hundred per cent.* on the amount of pay rolls; and, also, *doubled the amount estimated previous to settlement.* My predecessor, who formed one of the Board of Examiners, was of opinion that they would reach that sum. The *estimate* was designed to be a general *approximation* to the amount of claims which would be presented under the several expeditions that I had supposed were *legally* called out, and not to convey any intimation that they were to be considered as valid indebtedness against the State, or relieved from the rigid scrutiny to which such claims have heretofore been subjected by the Board of Examiners.

It would be but just to add, that the Governor, on being furnished with said estimate of *unpresented claims*, expressed some surprise at the amount thereof, intimating, at the same time, doubts with regard to the full extent of the same. Believing, however, myself, as heretofore stated, that when all claims of this nature were presented to the State or General Government, that they would approximate that sum, I preferred then, as now, to let future results prove the correctness or incorrectness of the estimates submitted to the Governor in my special report.

Very respectfully,

Your obedient servant,

WINSLOW S. PEIRCE,

Comptroller of State.

On motion of Mr. Broderick, the report was referred to the Committee on Indian Affairs.

On motion of Mr. Van Buren, the following resolution was adopted :

*Resolved*, That the action of the Senate in appointing a Special Committee to ascertain and report the actual indebtedness of the State, and the probable outstanding claims, was intended in no manner to reflect upon His Excellency Governor Bigler. That the Governor, in his special message, stated distinctly that the estimate of the outstanding claims contained in such message, was obtained from the Report of the Comptroller, which accompanied the message itself. That His Excellency but fulfilled his Constitutional duties in submitting such report to the Legislature, and in no manner can be held responsible for a mistake occurring therein.

A message was received from the Assembly, informing the Senate that

that body did on yesterday pass Senate bill for "an Act amendatory of the second Section of the 'Act concerning the Office of State Treasurer,'" passed 24th January, 1850.

And that the Assembly passed this day a resolution to go into an election by Joint Convention this evening at 7 o'clock, for military officers.

The resolution, accompanying the message, was, on motion of Mr. Broderick, laid upon the table until Monday.

On motion, the Senate adjourned.

B. FRANK KEENE,

President pro tem.

Attest:

A. C. BRADFORD, Secretary.

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### IN SENATE.

MONDAY, February 16, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem. in the chair.

Prayer by the Rev. Mr. Wheeler.

The Journal of Saturday last was read and approved.

Mr. Hubbs introduced a resolution which was adopted, instructing the Finance Committee to inquire into and report upon the propriety and expediency of

1st. Requiring the Captains, Consignees and Owners of all vessels arriving from foreign ports, to give bond in the sum of five hundred dollars for each and every male passenger on board, that said passenger shall not become a charge upon the State, or that a commutation of the bond be made by the payment of ten dollars into the State Treasury for each passenger so commuted.

2d. Of classifying the Commercial and Mercantile business of the State, and of Hotel and Tavern-keepers, and requiring them to pay license in proportion to the amount of business done.

3d. Of so amending the Revenue Laws in relation to Bankers, Dealers in Gold Dust, and Common Carriers of the same, as to cause them to bear their just proportion of the taxation necessary toward the payment of the debt and expenses of the State.

4th. Upon the propriety and expediency of reducing the Salaries of all Judicial Officers, now salaried by law at a charge upon the State, in such manner as to comply with the requisitions of the Constitution, and yet to place the expenses of all law suits upon the parties prosecuting or defending the same, and not upon the State nor upon the County.

Mr. Miller submitted the following resolution, which was adopted.

*Resolved*, That the Governor be requested to transmit to the Senate any communication made to the department by the Indian Commissioners or others, relative to the Indian difficulties in Mariposa County.

Senate bill for "an Act for the relief of Soule and Page, and others," was taken up, considered engrossed, read a third time and passed.

Mr. Tingley, agreeably to notice, submitted "a Joint Resolution on the subject of the Public Domain in California," which was read a first and second time, and laid upon the table.

Mr. Keyser introduced a "Joint Resolution in reference to Emigrant Vessels," which was read a first and second time, the rules were suspended, it was considered engrossed, read a third time and passed.

The special order of the day, being the contested seat from the Twenty-second Senatorial District, was then taken up on motion of Mr. Ralston, and the report of the Committee on Elections read.

A motion by Mr. Van Buren to postpone the consideration of the subject until six o'clock this evening was lost.

On motion of Mr. Lott, leave of absence was granted to Mr. Wambough for one day, and on motion of Mr. Foster leave of absence was granted to Mr. Warner for four days.

On motion of Mr. Van Buren, a call of the Senate was ordered, and the following Senators were absent, Messrs. Roach, Sprague, Walsh, Warner and Wambough.

On motion of Mr. Estill, further proceedings under the call were suspended.

Mr. Tingley from the Committee on Elections submitted a minority report in reference to the contested seat from the Twenty-second Senatorial District, which was read and laid upon the table. (See Appendix 21.)

On motion of Mr. Anderson, the report of the Committee on Elections in the matter of the contest from the Twenty-second Senatorial District, and the papers accompanying it, were recommitted with instructions to that Committee to report to-morrow at 12 o'clock.

Senate bill for "an Act to provide for the payment of a Translator," was taken up, considered engrossed, read a third time and passed.

Mr. Van Buren, from the Judiciary Committee, submitted a report as to the construction of section twenty-five of article fourth of the Constitution, which was read, and

On motion of Mr. Hubbs adopted, and two hundred copies ordered printed. (See Appendix 22.)

Mr. Robinson on behalf of Mr. Warner, introduced a bill for an Act entitled "an Act for the Government of the Indians," which was read a first and second time, and referred to the Committee on the Judiciary.

Assembly concurrent resolution fixing the time for the two houses to meet in joint convention to elect Military Officers was then taken up,

And on motion of Mr. Van Buren, referred to the Committee on Militia, with instructions to report a bill to abolish the present militia system of this State.

Mr. Tingley gave notice that he would, at an early day, offer a bill to refund to the County Treasury of Santa Clara County, all military taxes collected in said County for the year 1851.

Mr. Robinson, to whom had been referred the claim of Messrs. Hinckley and Davis, (for making a case of pigeon holes) reported the same back, when

On motion of Mr. Miller, the sum of thirty-nine dollars was allowed.



Mr. Lewis gave notice that he would, at an early day, introduce a bill to divide the State into Congressional Districts.

The Assembly amendment to Joint Resolution, appropriating \$2,500 for the contingent expenses of the Senate and Assembly, was then taken up, and

On motion of Mr. Hubbs the amendment was passed.

Mr. Hubbs gave notice, that in the event of the Committee on Finance not reporting a bill "to Fund the debt of the State, pay the three per cent. Bonds, and discontinue the issue of Warrants payable to order," before Wednesday next, that he would on that day ask leave to present to the consideration of the Senate such a bill.

Mr. Robinson offered the following resolution, which was adopted :

*Resolved*, That the Governor be, and he is hereby requested to furnish to this body copies of all correspondence in regard to Indian Wars, which may be on file in the executive office ; including those which may exist from Indian Agents, or Commissioners in California ; and also any correspondence which may have been had with the Executive of this State, and the authorities at Washington City in regard to the payment, or other subjects connected with Indian hostilities in this State.

On motion of Mr. Estill, the Senate adjourned.

B. FRANK KEENE,

President pro tempore.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

TUESDAY, February 17, 1852.

The Senate met pursuant to adjournment.

President in the chair.

The Journal of Monday was read and approved.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred Senate bill in relation to Port Wardens, reported the same back and recommended its passage without amendment.

The report was accepted.

Mr. Roach, from the Joint Committee on Enrollments, reported as correctly enrolled a "joint resolution relative to Humboldt and Trinidad Bays."

The report was adopted.

Mr. Miller, as one of the Committee on Elections, submitted a report on the contested seat from the Twenty-Second Senatorial District, which was read and accepted. (See Appendix 23.)

Mr. Fry presented the account of William Sharon against the State of California, for four months rent of property, at \$200 per month, according to the terms of the accompanying lease, and moved their reference to the Committee on Claims.

Agreed to.



Senate bill for an Act to amend an Act entitled "An Act to authorize the Governor of this State to remove and appoint Port Wardens," passed March 7th, 1851, on motion of Mr. Hubbs, was taken up, considered, engrossed, read a third time and passed.

Mr. De la Guerra introduced a bill for "An Act to amend an Act to regulate Rodeos," approved 30th June, 1851, which was read a first and second time and referred, on motion of Mr. Lind, to the Committee on Agriculture.

Assembly bill for "An Act respecting fugitives from labor, and slaves brought into this State prior to her admission into the Union," was, on motion of Mr. Broderick, referred to the Judiciary Committee.

On motion of Mr. Broderick, pursuant to notice, Senate Rule, No. 19, was expunged.

Mr. Van Buren offered a resolution, authorizing the Sergeant-at-Arms to procure, not to exceed three, daily newspapers for the use of each member of the Senate, which was adopted.

Mr. Ralston moved to take up the special order of the day, being the consideration of the contested seat from the Twenty-Second Senatorial District, which was agreed to.

On motion of Mr. Van Buren, a call of the Senate was ordered, and the following Senators were absent:

Messrs. Anderson, Estill, Lewis, McKibben, and Walton.

And the Sergeant-at-Arms was directed by the President to bring the absentees within the bar of the Senate.

On motion of Mr. Ralston, further proceedings, under the call, were suspended.

Mr. Cooke, as one of the Committee on Elections, submitted a report upon the contested seat, from the Twenty-Second Senatorial District, which was read and accepted, on motion of Mr. Van Buren. (See Appendix.)

Mr. Harper, on leave. (Mr. Lind in the chair.) introduced Col. Freaner, as a witness on his behalf, who was sworn by the President and gave his evidence (which the Secretary was instructed to reduce to writing,) in the case of Denver and Lyle *vs.* Harper, contested seat from the Twenty-Second Senatorial District.

On motion of Mr. Cooke, a call of the Senate was ordered, and the following Senators were absent:

Messrs. Broderick, Foster, Hubbs, Keyser, McKibben, and Robinson.

And the Sergeant-at-Arms was instructed to bring the absentees within the bar of the Senate.

Mr. Estill moved that further proceedings, under the call, be suspended, which was agreed to.

Mr. Denver, on leave, submitted certain papers in the case of Denver, and Lyle *vs.* Harper.

On motion of Mr. Harper, the reading of all notices, to take depositions in the case of Denver and Lyle *vs.* Harper, was dispensed with, unless the same should be called for specially, by one of the parties.

The reading of the testimony was then proceeded with until a late hour, when, on motion of Mr. Robinson, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, February 18, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Wheeler.

The Journal of Tuesday was read and approved.

Mr. Hubbs, pursuant to notice, introduced a bill for "an Act to Fund the indebtedness of the State, from April 29, 1851, to December 31, 1852, for the payment of the 3 per cent. Bonds, and to prevent the issue of Warrants payable to order," which was read the first time and referred to the Finance Committee.

Mr. Lott, from the Committee on Claims, reported that the Committee found the claims of Wm. Sharen and Cronin & Markley informal, and that there is an existing law providing for their payment when properly approved.

Leave was thereupon granted Mr. Sharen and Messrs. Cronin and Markley to withdraw their claims, and the Committee to withdraw their report.

A message was received informing the Senate that the Assembly on yesterday passed Senate bill for "an Act to change the name of Lucy A. Stoddard Wakefield."

"An Act for the relief of the Treasurer of Santa Barbara County."

And also "an Act to provide for the payment of Drewry P. Baldwin and Thomas J. Green, for expenses incurred in laying off the Public Grounds in the City of Vallejo," which is herewith presented.

And that the Governor did on the 14th instant sign the following bills.

An Act repealing the Charter of the City of Nevada, and to provide for the distribution of the property and the payment of the debts of said City.

An Act to change and define the boundaries of Contra Costa and San Joaquin Counties.

And a Joint Resolution of Instructions in relation to the Bay and Harbor of San Diego.

Assembly bill for "an Act to provide for the payment of Drewry P. Baldwin and Thomas J. Green for expenses incurred in laying off the Public Grounds in the City of Vallejo," was then taken up, read a first and second time, and referred to Committee on Claims.

Mr. Ralston submitted the following Joint Resolution :

*Resolved*, By the Senate and Assembly, that the two houses of the Legislature will adjourn on the fifth day of March next, at the hour of 12 o'clock, M. Which was read first time and laid upon the table until Saturday next.

A message was received informing the Senate that the Assembly did on yesterday pass a bill to be entitled "an Act explanatory of an Act to change and define the boundaries of Contra Costa and San Joaquin Counties, passed February 14, 1852.

Also "an Act for the relief of R. P. Ashe, Sheriff of San Joaquin County."

Also a bill for "an Act granting Hon. Judge Caswell of Nevada County, leave of absence from the State."

On motion of Mr. Robinson, (Mr. Cooke in the chair) the Senate resumed the consideration of the special order of the day, being the contested seat from the Twenty-second Senatorial District.

The remaining portion of the testimony was then read,

When on motion of Mr. Lind the Senate adjourned until 10 o'clock, to-morrow morning.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, February 19, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

The Journal of Wednesday was read and approved.

Mr. Walsh presented the petition of George W. Holt, of Nevada County, for relief on account of losses sustained by him from the depredations of Indians; and moved its reference to the Committee on Indian Affairs.

Agreed to.

Mr. Foster, from the Committee on Agriculture, to whom was referred Senate bill No. 32, for "an Act to amend an Act to regulate Rodeos," approved April 30th, 1851, reported the same back, with sundry amendments, and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Tingley presented the petition of Isaac Owen and others, Executive Committee of the Board of Trustees of the "California Wesleyan College," praying that the name of that institution may be changed to that of "University of the Pacific," and moved its reference to the Committee on Corporations.

Agreed to.

He also presented a letter from Hon. Peter C. Burnett, on the subject of Corporations, and moved its reference to that Committee.

Agreed to.

He also presented a communication from the same gentleman, upon the subject of amending the Probate Law, which was referred to the Committee on the Judiciary.

He also presented a communication from T. L. Burnett, upon the subject of assessing and collecting the Public Revenue, and moved its reference to the Finance Committee.

Agreed to.

Mr. Keene presented a statement from Mr. Veeder, of Vallejo, setting forth that, for the bill, \$205, allowed him on a previous day of this Session.

instead of money he had received State Scrip, which was worth only \$112 75, and requesting a further allowance—if in Scrip, sufficient to make it equal to cash.

The communication and paper were laid on the table for the present.

Mr. Cooke asked and obtained leave to print Senate bill No. 4, to repeal an Act entitled “an Act to provide for the disposition of certain property of the State of California.”

Mr. Cooke, from the Judiciary Committee, to whom had been referred Senate bill for “an Act to prevent embezzlement or fraud by any Banker, President, Cashier, Director, or agent of any Bank,” reported the same back with a substitute.

The report was accepted.

The substitute read twice and laid upon the table.

A report from the Surveyor-General, pursuant to a resolution of this body, requiring that officer to report such information relative to the lands of this State, and other matters connected with his office as are important thereto, was laid before the Senate, and on motion of Mr. Cooke, five hundred copies ordered printed. (See appendix.)

Assembly bill, to be entitled “an Act explanatory of an Act entitled ‘an Act to change and define the boundaries of Contra Costa and San Joaquin Counties, passed February 14th, 1852,’ ” was then taken up, read a first and second time; the rules suspended, it was read a third time and passed.

Assembly bill for “an Act for the relief of R. P. Ashe,” was taken up, read a first and second time, and on motion of Mr. Anderson, referred to the Committee on Claims.

Assembly bill for “an Act granting Hon. Judge Caswell, of Nevada County, leave of absence from the State,” was taken up, read a first and second time; the rules suspended, it was then read a third time and passed.

Mr. Miller introduced a bill for “an Act for the benefit of Hinckley and Davis,” which was read a first and second time; the rules suspended, it was considered, engrossed, read a third time and passed.

On motion of Mr. Sprague, the title was so amended as to read “for the relief of Hinckley and Davis.”

And hereupon, on motion of Mr. Broderick, the Senate took a recess until 6 o'clock, P. M.

## EVENING SESSION.

The Senate re-assembled at 6 P. M.

President in the chair.

By direction of the President, the Secretary proceeded to call the roll, and it was found that a quorum of Senators was present.

Mr. Estill moved to adjourn until 10 o'clock to-morrow morning, which was decided in the negative by the following vote:

AYES.

Messrs. Anderson,  
Broderick,  
Estill,

Messrs. Fry,  
Tingley—5.



## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keene,  
Lewis,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Van Buren,  
Walsh—12.

On motion of Mr. Cooke, a call of the Senate was ordered, and Messrs. Keyser, Lott, Miller, Walton, Lind, McKibben, Soule, Warner and Wambough were absent.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

On motion of Mr. Broderick, the call was suspended.

Mr. Walsh moved to adjourn, which was decided in the negative by the following vote :

## AYES.

Messrs. Anderson,  
Broderick,  
Fry,  
Keene,

Messrs. Soule,  
Tingley,  
Walsh,  
Walton—8.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Estill,  
Foster,  
Hubbs,  
Keyser,  
Lewis,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Van Buren—14.

On motion of Mr. Harper, he was excused from voting.

Mr. Broderick moved to adjourn, which was decided in the negative by ayes and nays as follows :

## AYES.

Messrs. Anderson,  
Broderick,  
Fry,  
Keene,  
Miller,

Messrs. Soule,  
Tingley,  
Walsh,  
Walton—9.

## NAYS.

Messrs. Cooke,  
Estill,

Messrs. Ralston,  
Roach,

Foster,  
Hubbs,  
Keyser,  
Lewis,

Robinson,  
Snyder,  
Sprague,  
Van Buren—12.

Mr. Miller moved a call of the Senate.

Mr. Van Buren moved to lay the motion upon the table, which was decided in the negative by the following vote :

## AYES.

Messrs. Hubbs,  
Keene,  
Lewis,  
Ralston,

Messrs. Robinson,  
Sprague,  
Van Buren—7.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,  
Keyser,

Messrs. Miller,  
Roach,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton—15.

And hereupon Mr. Walton moved to adjourn, which was decided in the negative by the following ayes and nays :

## AYES.

Messrs. Anderson,  
Broderick,  
Estill,  
Fry,  
Keene,  
Miller,

Messrs. Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton—11.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keyser,  
Lewis,

Messrs. Lott,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Van Buren—12.

Mr. Van Buren moved that the Senate proceed to the consideration of the special order of the day, being the contested seat from the Twenty-Second Senatorial District.

Lost.

Mr. Broderick moved to adjourn, and the ayes and nays being again demanded, resulted as follows :

## AYES.

Messrs. Anderson,  
Broderick.  
Estill,  
Fry,  
Harper,  
Keene,

Messrs. Miller,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton—12.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keyser,  
Lewis,

Messrs. Lott,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Van Buren—12.

The President gave the casting vote in the affirmative, and the Senate adjourned to 10 o'clock, to-morrow morning.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD,

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IN SENATE.

FRIDAY, February 20, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Wheeler.

The journal of Thursday was read and approved.

On motion of Mr. Broderick, the Senate proceeded to the consideration of the subject of the contested seat, from the Twenty-Second Senatorial District.

On motion of Mr. Broderick, the Sergeant-at-Arms was directed to request the absent Senators to take their seats within the bar of the Senate.

Mr. Van Buren, on leave, from the Committee on Engrossed Bills, reported as correctly engrossed "An Act for the relief of Hinckley and Davis."

Report adopted.

Mr. Ralston, on leave, introduced a bill for an "Act concerning appren-

tices," which was read a first and second time, and referred, on motion of Mr. Robinson, to the Committee on the Judiciary.

Mr. Soule, on leave, introduced a "Bill for the relief of Jesse D. Carr," which was read twice and referred to the Committee on Claims, on motion of Mr. Hubbs.

Mr. Warner submitted a resolution to appoint a Select Committee of three, to examine and report the number of Committee Clerks, the number of Porters and Pages, employed by the Senate; their daily allowance, and if the number, or per diem, can be reduced without retarding the business of the Senate.

The resolution was adopted, and Messrs. Warner, Walton and Lott, were named by the chair as the Committee.

Mr. Van Buren, on leave, introduced a bill for "An Act to fund the debt of the County of San Joaquin," which was read a first time, laid on the table and ordered printed.

On motion of Mr. Robinson, the parties to the contested seat, from the Twenty-Second Senatorial District, were then allowed to proceed with their argument.

Mr. Denver requested permission to introduce, as a witness on his behalf, Henry Stintz, of Klamath County.

Mr. Van Buren, moved (Mr. Foster in the chair,) to refer the whole matter in relation to the contested seat, from the Twenty-Second Senatorial District, back to the Committee on Elections.

Mr. Cooke, as a substitute, submitted the following resolution:

*Resolved*, That Mr. Stintz be introduced on the floor of this Senate, and sworn and examined in the matter of the contested seat, in the Senate, between Messrs. Harper, Lyle and Denver, and that the Secretary of the Senate reduce the evidence of the witness to writing.

The substitute was adopted.

Mr. Stintz was introduced, sworn by the President of the Senate, and gave his testimony, which was reduced to writing by the Secretary.

Mr. Tingley moved, (Mr. Van Buren in the chair,) that Mr. Harper be allowed to open his case, Messrs. Denver and Lyle to follow, and Mr. Harper to close.

Mr. Keyser moved, as a substitute, that Mr. Lyle be allowed to open, Mr. Denver to follow, and Mr. Harper to close.

Mr. Cooke moved to lay the motion and substitute upon the table. Lost. Hereupon Mr. Keyser withdrew his substitute.

Mr. Ralston introduced the following resolution, as a substitute to Mr. Tingley's motion:

*Resolved*, That each one of the contestants, Messrs. Harper, Denver and Lyle, shall now be heard, in the order here named, in the advocacy of their respective claims; after which, each by leave of the Senate, may be heard once or more in reply, till each shall have been fully heard; *Provided*, that the party who opens the argument shall have the conclusion.

Mr. Harper, Mr. Denver, and Mr. Tingley, on the part of Mr. Lyle, each addressed the Senate in support of his claims to the contested seat.



Mr. Harper then rejoined, and at the conclusion of his speech, on motion of Mr. Broderick, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

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### IN SENATE.

SATURDAY, February 21, 1852.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Wheeler.

The Journal of Friday was read and approved.

On motion of Mr. Cooke the Senate resumed the consideration of the contested seat from the Twenty-second Senatorial District.

Mr. Ralston, on leave, presented a petition from four hundred citizens of the City of Sacramento, praying the passage of wise and salutary measures for the entire suppression of gambling in this State, and moved its reference to the Select Committee on the subject of gambling.

Agreed to.

Mr. Broderick, on leave, introduced a bill for "an Act amendatory of section first of an Act entitled 'an Act concerning the Salaries of Officers and pay of Members of the Legislature, passed May 1st, 1851,'" which was read the first and second time, and referred to the Committee on the Judiciary.

The Senate having resumed the consideration of the contested seat from the 22d Senatorial District.

Mr. Denver, replied to Mr. Harper's argument of yesterday.

Mr. Harper rejoined.

Mr. Denver replied again, and

Mr. Tingley on the part of Mr. Lyle, leave being granted, read the deposition of R. T. Sprague, (taken before the Committee on Elections of the Assembly, in the case of Hawks vs. Coates) in support of Mr. Lyle's claims to the seat.

Mr. Robinson then introduced the following resolution. (Mr. Hubbs in the chair.)

*Resolved*, That from the conflicting testimony, informality, and illegal manner of the returns of the votes given respectively for John A. Lyle, James W. Denver, and John H. Harper, for State Senator in the Twenty-second Senatorial District, composed of Trinity and Klamath Counties, neither of them is entitled to a seat in this body. That the Senate remand the subject to the people of said County, to the end that a new election be held in said County for State Senator.

The Sergeant-at-Arms was directed to bring the absent Senators within the bar of the Senate.

Mr. Miller offered the following resolution as a substitute to that of Mr. Robinson :

*Resolved*, That the Senate now proceed to determine by viva voce vote, which of the three contestants is entitled to the seat now held by the Hon. J. H. Harper, from the Twenty-second Senatorial District, composed of the Counties of Trinity and Klamath.

Mr. Cooke moved to lay the resolution and substitute upon the table. (He afterwards withdrew his motion.)

Mr. Van Buren rose to a point of order, which he stated as follows :

That the motions of the Senator from Sacramento and Mariposa are out of order ; because the Senate, at the time it consented to consider this case of contest, took from the table all papers in connection with it, including the reports of the Committee, and the resolutions attached thereto, and they are now under consideration.

If the resolutions are out of order, all motions to lay them on the table, or otherwise act upon them must also be out of order.

Mr. Van Buren after some discussion withdrew his point of order, leave being granted.

Mr. Miller, on leave, withdrew his substitute to Mr. Robinson's resolution.

Mr. Cooke introduced the following resolution :

*Resolved*, That the returns of votes from Johnson's Bar which have been presented to the Senate are illegal, informal, and ought not to be counted in deciding the right to a seat in the Senate from the Twenty-second Senatorial District of this State.

Mr. Broderick moved to lay the resolution upon the table, which was decided in the affirmative by the following ayes and nays, demanded by Mr. Cooke.

AYES.

Messrs. Anderson,  
Broderick,  
Estill,  
Foster,  
Hubbs,  
Keyser,  
Lind,

Messrs. Miller,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh—13.

NAYS.

Messrs. Cooke,  
De la Guerra,

Messrs. Ralston,  
Roach,

Fry,  
Keene,  
Lewis,  
Lott,

Robinson,  
Walton,  
Wambough—11.

Mr. Harper was excused from voting ; and Mr. Warner was also excused on the ground of his absence during the reading of the testimony in the contested case.

Mr. Van Buren moved the adoption of the resolution offered in the report of Mr. Miller, one of the Committee on Elections, as follows :

*Resolved*, That John H. Harper is the legal Senator from the Twenty-second Senatorial District, composed of the Counties of Trinity and Klamath.

Mr. Broderick moved as a substitute, the adoption of the resolution offered in the report of Mr. Tingley, one of the Committee on Elections as follows :

*Resolved*, That John A. Lyle is the Senator elect from the Twenty-second Senatorial District, and is entitled to his seat.

Mr. Tingley moved an amendment to the substitute as follows :

That in voting upon the right of Harper, Denver and Lyle to a seat in this body, the names of Senators be called, and as they are called each Senator shall declare the name of the person in his opinion entitled to the seat.

Mr. Broderick moved to lay the amendment upon the table.  
Agreed to.

Mr. Broderick moved the adoption of the following resolution, offered by Mr. Cooke in his report as one of Committee on Elections :

*Resolved*, That J. W. Denver is entitled to his seat as Senator from the Twenty-second Senatorial District of this State, and that he be sworn in accordingly.

Mr. Cooke moved to lay the resolution upon the table, which was decided in the affirmative by ayes and nays as follows :

#### AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Estill,  
Fry,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Roach,  
Robinson,  
Tingley,  
Walton,  
Wambough—14.

## NAYS.

Messrs. Broderick,  
Foster,  
Hubbs,  
Keene,  
Keyser,

Messrs. Miller,  
Soule,  
Sprague,  
Van Buren,  
Walsh—10.

A motion by Mr. Walsh that the Senate adjourn, was negatived by ayes and nays as follows:

## AYES.

Messrs. Broderick,  
De la Guerra,  
Lind,

Messrs. Lott,  
Walsh—5.

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—19.

Mr. Robinson then called up his resolution, remanding the subject of the contested seat from the Twenty-second Senatorial District to the people.

A motion by Mr. Van Buren to lay the resolution on the table, was decided in the negative by the following ayes and nays.

## AYES.

Messrs. Anderson,  
Broderick,  
Estill,  
Hubbs,  
Keyser,

Messrs. Miller,  
Sprague,  
Tingley,  
Van Buren—9.

## NAYS.

Messrs. Cooke,  
Foster,  
Fry,  
Keene,  
Lewis,  
Lind,  
14

Messrs. Lott,  
Ralston,  
Robinson,  
Soule,  
Walsh,  
Wambough—12.



The question then recurring on the passage of the resolution, the ayes and nays were again demanded with the following result.

## AYES.

Messrs. Cooke,  
Foster,  
Fry,  
Lewis,  
Lott,

Messrs. Ralston,  
Robinson,  
Soule,  
Walsh,  
Wambough—10.

## NAYS.

Messrs. Anderson,  
Broderick,  
De la Guerra,  
Estill,  
Hubbs,  
Keene,  
Keyser,

Messrs. Lind,  
Miller,  
Roach,  
Sprague,  
Tingley,  
Van Buren—13.

And the resolution was lost.

And hereupon Mr. Estill moved an adjournment, which was decided in the negative by ayes and nays, as follows:

## AYES.

Messrs. Anderson,  
Broderick,  
Estill,

Messrs. Hubbs,  
Keyser,  
Lott—6.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Fry,  
Harper,  
Keene,  
Lewis,  
Lind,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Wambough—18.

On motion of Mr. Van Buren, the resolution offered by the Senator from Mariposa, Mr. Miller, in his report as one of the Committee on Elections, and the substitute thereto, offered by Mr. Broderick, being the resolution presented by the Senator from Sonoma, Mr. Cooke, in his report as one of the Committee on Elections, were then taken up.

Mr. Wambough moved an adjournment. Lost.

Pending the consideration of the resolution and substitute, a motion by Mr. Estill to adjourn until Monday morning, at 11 o'clock, prevailed,  
And the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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IN SENATE.

MONDAY, February 23, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Wheeler.

On motion of Mr. Sprague, the reading of the journal, of Saturday last, was dispensed with, and the Senate adjourned until Wednesday at 11 o'clock.

SAMUEL PURDY,  
President of the Senate.

Attest,

A. C. BRADFORD, Secretary.

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IN SENATE.

WEDNESDAY, February 25, 1852.

The Senate met pursuant to adjournment.

President in the chair.

No quorum being present the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, February 26, 1852.

The Senate met pursuant to adjournment.

President in the chair.

No quorum being present the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest,

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, February 27, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The journals of Saturday, Monday, Wednesday, and Thursday, last, were read and approved.

Mr. Miller, on leave, introduced a resolution, which was adopted, requesting the Governor to transmit to the Senate, the papers and correspondence in his department in relation to Indian difficulties in California.

Mr. Anderson, on leave, submitted a resolution, requesting the Comptroller to communicate to the Senate, any correspondence which passed between the Governor and himself, in regard to the indebtedness of the State of California, referred to, in the special message of the Governor. On which the ayes and nays were demanded by Mr. Sprague, and resulted as follows :

## AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Miller,  
Ralston,  
Roach,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh,  
Wambough—18.

## NAYS.

Mr. Sprague,  
And the resolution passed.

Mr. Walton—2.

Mr. Fry, on leave, presented the petition of the stockholders of the Bear River and Auburn Water Mining Company, praying for the Legisla-

ture to pass a law authorizing them to increase their capital stock, which was read and referred to the Committee on Corporations.

Mr. Sprague, on leave, presented the petition of James L. Frenner, praying for a law to authorize him to construct a road from Sacramento Valley, to the Oregon line, which was read and referred to a Special Committee, consisting of Messrs. Sprague, Lewis and Wambough.

Mr. Tingley, on leave, presented the petition of several ministers of the gospel, praying for an amendment to the Act entitled "An Act regulating marriages," which was read and referred to the Judiciary Committee.

The Senate having resumed the consideration of the matter of the contested seat between Messrs. Harper, Denver and Lyle, Mr. Soule moved to postpone the further consideration of the subject, until Tuesday next, which was not agreed to.

Mr. Van Buren, on leave, presented the petition of B. G. Wier and other citizens of San Joaquin County, praying for right of way, to connect the waters of the Stanislaus River with those of Mormon Channel, which was read and referred to the Committee on Agriculture.

Mr. Van Buren, on leave, presented the petition of Matilda B. Masters and others, praying for relief which was read and referred to the Committee on Claims.

Mr. Van Buren, on leave, introduced a bill for "An Act for the relief of Matilda B. Masters and others," which was read a first and second time and referred to the Committee on Claims.

Mr. Van Buren, on leave, presented the petition of James Cuninghame praying for a law confirming his title to certain lots in San Francisco, referred to the Committee on Commerce and Navigation.

Mr. Soule, on leave, presented the claim of B. C. Sanders, for \$2,500 against the State, which was read and referred to the Committee on Claims.

Mr. Harper, by permission, addressed the Senate in support of his claim to a seat as Senator from the Twenty-Second Senatorial District.

Mr. Denver, by permission of the Senate, rejoined.

The Senate having resumed the consideration of the resolution offered by Mr. Van Buren, and the substitute offered thereto by Mr. Broderick, on Saturday last, Mr. Cooke moved to lay the same upon the table, on which the ayes and nays were demanded, with the following result:

Messrs. Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Lewis,

Messrs. Lind,  
Lott,  
Robinson,  
Walsh,  
Wambough—11.

# NAYS.

Messrs. Anderson,  
Broderick,  
Keene,  
Keyser,  
Miller,  
Ralston,  
Roach,

Messrs. Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—13.

So the motion to lay on the table was lost.



Mr. De la Guerra, was, on motion of Mr. Warner, excused from voting upon the contested case.

Mr. Cooke moved to amend the substitute by striking out the name of Mr. Denver, and inserting the name of Mr. Lyle.

Mr. Broderick rose to a point of order, that "An Amendment to the substitute was not in order."

The President decided the amendment in order.

Mr. Broderick appealed from this decision, and on the question "Shall the decision of the chair be sustained?" the ayes and nays were demanded with the following result:

## AYES.

Messrs. Cooke,  
Estill,  
Hubbs,

Messrs. Sprague,  
Walton,  
Wambough—6.

## NAYS.

Messrs. Anderson,  
Broderick,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh—18.

So the decision of the chair was not sustained.

The question then recurring on the substitute, the ayes and nays were demanded and resulted as follows:

## AYES.

Messrs. Cooke,  
Estill,

Mr. Snyder—3.

## NAYS.

Messrs. Anderson,  
Broderick,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton,  
Wambough—21.

So the substitute was lost.

Mr. Robinson submitted a resolution, as a substitute, remanding the subject back to the people of the Twenty-Second Senatorial District, for a new election.

Mr. Van Buren moved to lay the substitute on the table.

The substitute was hereupon withdrawn by Mr. Robinson.

Mr. Broderick moved the adoption of the resolution giving the seat in contest to Mr. Lyle, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Anderson,  
Keene,  
Lind,  
Ralston,

Messrs. Roach,  
Soule,  
Tingley—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keyser,  
Lewis,

Messrs. Lott,  
Miller,  
Snyder,  
Sprague,  
Van Buren,  
Walsh,  
Walton,  
Wambough—16.

So the resolution was not adopted.

Mr. Robinson declined voting.

The question then recurring on the original resolution giving the contested seat to Mr. Harper, the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Broderick,  
Estill,  
Hubbs,  
Keyser,

Messrs. Miller,  
Sprague,  
Van Buren—7.

## NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
Fry,  
Keene,  
Lewis,  
Lind,  
Lott,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough—17.

So the resolution was lost.

A message was received from the Governor transmitting the original papers and correspondence, on file in his department, in relation to Indian difficulties in California.

Mr. Van Buren moved to adjourn, on which the ayes and nays were demanded and resulted as follows:

AYES.

Messrs. Broderick,  
De la Guerra,  
Estill,  
Keyser,

Messrs. Lind,  
Miller,  
Sprague,  
Van Buren—8.

NAYS.

Messrs. Anderson,  
Cooke,  
Foster.  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton—16.

So the Senate refused to adjourn.

Mr. Tingley submitted a resolution, declaring the seat occupied by John H. Harper, vacant.

The President ruled the resolution out of order.

Mr. Van Buren moved to adjourn, on which the ayes and nays were demanded and resulted as follows:

AYES.

Messrs. Broderick,  
De la Guerra,  
Estill,  
Hubbs,  
Lind,

Messrs. Miller,  
Snyder,  
Sprague,  
Van Buren—9.

NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Walsh,  
Walton—15.

So the motion was lost

Mr. Broderick gave notice that he should object to the introduction of any bill or resolution this day.

Mr. Keene moved to re-consider the vote of Saturday, on the resolution to remand the subject back to the people.

By request of Mr. Hubbs the motion was withdrawn.

Mr. Estill moved to adjourn, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Broderick,  
De la Guerra,  
Estill,

Messrs. Miller,  
Van Buren—5.

## NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Walsh,  
Walton—17.

So the motion was lost.

Mr. Cooke introduced the following resolution :

*Resolved*, That the seat now held in the Senate by J. H. Harper, as Senator from the Twenty-Second Senatorial District, of this State, be, and the same is hereby declared vacant,—the Senate having this day, by vote, declared the said Harper not entitled thereto.

The President decided the resolution out of order, from which Mr. Cooke appealed from this decision, and the question being, "Shall the decision of the chair stand as the judgment of the Senate?" it was decided in the negative, by the following vote :

## AYES.

Messrs. Broderick,  
Estill,  
Hubbs,

Messrs. Miller,  
Van Buren—5.

## NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
15

Messrs. Lott,  
Ralston,  
Roach,



Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,

Robinson,  
Soule,  
Tingley,  
Walsh,  
Walton—16.

Mr. Van Buren moved to adjourn. Lost.

Mr. Broderick rose to a point of order, that it was out of order for Mr. Cooke to introduce the foregoing resolution to-day, on the ground that it was objected to, which was sustained by the President.

The ruling of the chair was appealed from by Mr. Tingley, and on the question "Shall the decision of the chair be sustained?" the ayes and nays were demanded and resulted as follows:

AYES.

Messrs. Broderick,  
Estill,

Messrs. Keyser,  
Van Buren—4.

NAYS.

Messrs. Anderson,  
Cooke,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,  
Lott,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough—17.

So the decision of the chair was not sustained.

Mr. Broderick moved a call of the Senate.

Mr. Hubbs moved to lay the motion for the call upon the table, which was carried by ayes and nays as follows:

AYES.

Messrs. Anderson,  
Cooke,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough—18.

## NAYS.

Mr. Broderick,

Mr. Van Buren—2.

Mr. Ralston moved the previous question, which motion was sustained, and on the question "Shall the main question now be put?" Mr. Van Buren moved to adjourn, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Broderick,  
Estill,

Mr. Van Buren—3.

## NAYS.

Messrs. Anderson,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough—20.

So the motion was lost.

The question then being "Shall the main question now be put?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh,  
Walton,  
Wambough.—21.

## NAYS.

Mr. Estill.

Mr. Broderick gave notice that he would at an early hour, on to-morrow, move a re-consideration of the vote just taken.

The question then recurred on the passage of the resolution declaring the seat occupied by John H. Harper, vacant, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
President—18.

## NAYS.

Messrs. Broderick,  
Keyser,

Messrs. Miller,  
Van Buren—4.

And the resolution, declaring the seat vacant, was carried.

Mr. Hubbs moved to adjourn, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Broderick,  
Hubbs,

Mr. Van Buren—3.

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton,  
Wambough—19.

So the motion was lost.

Mr. Robinson moved to re-consider the vote just taken, on the resolution declaring the seat occupied by John H. Harper, vacant.

Mr. Van Buren obtained the floor and commenced the discussion of the subject, when Mr. Tingley submitted the following points of order :

1. That it is not in order for any Senator to address the Senate, tediously, with only an intent to consume the time of the Senate, uselessly, and delay the necessary business of this body.

2. And further, that on a motion to re-consider any proposition adopted under the operation of the previous question, no debate can arise, for the reason, it would be virtually defeating all objects designed to be attained by the previous question, that is to end all discussion on the subject matter under consideration.

(Mr. Keene, President, pro tem, in the chair.)

The first point of order was submitted to the Senate, and sustained by ayes and nays, as follows :

## AYES.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton—16.

## NAYS.

Mr. Broderick,

Mr. Van Buren—2.

The second point of order was also submitted to, and sustained by the Senate.

Mr. Van Buren moved to adjourn, which was not agreed to.

The question then recurred, on the motion of Mr. Robinson to re-consider, on which the ayes and nays were demanded, with the following result :

## AYES.

Mr. Broderick,

Mr. Van Buren—2.

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton—16.

So the Senate refused to re-consider.



A message was received from the Assembly, informing the Senate that the Assembly did, on Saturday, the 21st instant, adopt a concurrent resolution, which is herewith presented :

The Assembly have this day passed a joint resolution, which originated in the Senate, in reference to emigrant vessels.

They have also passed the following bills, which originated in the Senate :

A bill for "An Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens," passed March 7th, 1851.

A bill for "An Act exempting the Hospital and Interest Funds, from the operations of the Act, entitled an 'Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law.' "

On motion of Mr. Walsh, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, February 28, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Van Buren submitted a protest against certain proceedings in Senate yesterday, and moved that it be placed upon the Journal, on which motion the ayes and nays were demanded and resulted as follows :

### AYES.

Messrs. Foster,  
Hubbs,  
Miller,

Messrs. Sprague,  
Tingley,  
Van Buren—6.

### NAYS.

Messrs. Cooke,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Walsh,  
Walton,  
Wambough—16.

So the motion was lost. (See appendix 26.)

A message was received from the Assembly informing the Senate that a memorial had been presented to them from the citizens of San Francisco, in reference to the Corporation in New York, styled the Pacific Mail Steamship Company, and that the Assembly did on yesterday pass a resolution referring the same to a Joint Committee of the two Houses, and had appointed Messrs. Crittenden, Peachy and Crabb as such Committee on the part of the Assembly.

Also, that they had concurred in the Senate amendment to Senate "Joint Resolution for the distribution of the Journals of the Convention and Legislature by the Secretary of State."

On motion of Mr. Tingley, a Committee of three were appointed on the part of the Senate, to act in conjunction with a similar Committee of the Assembly, in reference to the memorial relating to the Pacific Mail Steamship Company.

The President appointed Messrs. Tingley, Robinson and Snyder as such Committee.

Mr. Tingley introduced a bill for "an Act authorizing the Comptroller of State to sue County Treasurers and other persons charged with the collection of State Revenue, who have failed or refused to discharge their duties," which was read a first and second time; the rules being suspended, it was then read a third time; on the question, "Shall the bill pass," the ayes and nays were demanded by Mr. Van Buren and resulted as follows:

# AYES.

Messrs. Anderson,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Wambough—21.

# NAYS.

Mr. Van Buren,

Mr. Walton—2.

So the bill was passed.

Mr. Sprague presented four petitions of citizens of Shasta County, praying the Legislature to pass a law calling a special election for the purpose of electing a Sheriff for Shasta County, to fill the vacancy which will occur by the death of the person elect, to fill the next term, which was read and referred to the Judiciary Committee.

Mr. Cooke submitted a resolution, which was adopted, to pay mileage and per diem to Messrs. Denver and Lyle, contestants for the seat from the Twenty-Second Senatorial District.

Mr. Ralston presented two petitions from ladies and gentlemen of Sacramento, praying the Legislature to pass a law for the suppression of gambling, which was read and referred to the Special Committee to whom was referred the "bill to suppress gambling."

Mr. Tingley introduced a bill for "an Act for the relief of Tobin and Duneau," which was read a first and second time and referred to the Committee on Claims.

Mr. Soule introduced a bill for "an Act for the relief of C. C. Richmond," which was read a first and second time and referred to the Committee on Claims.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act granting leave of absence to T. H. Caswell, Judge of Nevada County;" also, "an Act explanatory of an Act entitled 'an Act to change and define the boundaries of Contra Costa and San Joaquin Counties;'" also, "an Act concerning the State Treasurer;" also, "an Act to set apart twenty-five hundred dollars to meet the current contingent expenses of the Senate and Assembly;" also, "an Act to change the name of Lucy A. Stoddard Wakefield to Lucy A. Stoddard;" also, "an Act for the relief of Antonio M. De la Guerra;" and "an Act for the relief of H. C. Hodge, Treasurer of Nevada County."

On motion of Mr. Lott, the report was adopted.

Mr. Lott, from the Committee on Claims, to whom had been referred Assembly bill for "an Act to provide for the payment of D. P. Baldwin and Thomas J. Green, for expenses incurred in laying off the public grounds at the City of Vallejo," reported the same back and recommended that it be not passed.

On motion of Mr. Van Buren, the bill was referred back to the Committee with instructions to inquire into the expenses.

Mr. Hubbs, from the Finance Committee, to whom had been referred the Senate bill for "an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive—to provide for the payment of the three per cent Bonds, and to prevent the issue of Warrants upon the Treasury payable to order," reported the same back and recommended its passage.

On motion of Mr. Hubbs, the bill was made the special order of the day for Monday next.

Mr. Warner introduced a bill for "an Act to provide for the settlement of claims against the State for and on account of expenses incurred in the suppression of Indian hostilities," which was read a first and second time and referred to the Committee on Indian Affairs.

Mr. Snyder, from the Committee on Claims, reported back as correct the claim of W. J. Whitney, for \$18,079 13.

On motion of Mr. Van Buren, the report was laid on the table.

Mr. Snyder, from the Committee on Claims, to whom was referred Senate bill for "an Act for the relief of J. D. Carr," reported the same back and recommended its passage.

On motion of Mr. Walsh, the report and bill were laid on the table.

Mr. Lott, from Special Committee, reported to the Senate the number of officers employed by the Senate; also the number of Clerks employed by Senate Committees; the per diem pay allowed to said Officers and Clerks, and the time they are severally employed in their duties.

A report was received from the Comptroller, stating the ascertained and unascertained indebtedness of the State of California, which was read and referred to Special Committee to ascertain the amount of war debt of the State.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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IN SENATE.

MONDAY, March 1, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday was read and approved.

Mr. Roach from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act concerning Port Wardens."

Report adopted.

Mr. Tingley from the Special Joint Committee, to whom was referred the memorial of certain citizens of San Francisco, in reference to the Pacific Mail Steamship Company, and the establishment of another line of Mail Steamers on the Pacific Coast, reported "Joint Resolutions instructing our Senators, and requesting our Representatives to use their best efforts to procure the passage of a law by Congress authorizing the proper department to enter into contract with Lafayette Maynard and John Parrott for the semi-monthly transportation of the mails between Panama and San Francisco, in the weeks intervening between those now fixed for the arrival and departure of the mails, &c. Which were read a first and second time and laid on the table.

A report was received from the State Treasurer showing the amount of receipts and disbursements in his department, from July 1st, 1851, to Feb. 1st, 1852, which was read and one hundred copies ordered printed. (See Appendix 26.)

A message was received from the Governor informing the Senate that he had this day approved an Act entitled "an Act for the relief of the Treasurer of Santa Barbara County."

Also, "an Act to change the name of Lucy A. Stoddard Wakefield."

Also, "an Act amendatory of the second Section of the Act concerning the Office of State Treasurer, passed January 24, 1850."

Also, "Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County."

Also, "an Act to amend an Act to authorize the Governor of this State to remove and appoint Port Wardens, approved March 7, 1851."

A message was received from the Assembly, informing the Senate that



they did on Saturday last, pass Senate bill for "an Act authorizing the Comptroller of State to sue and prosecute County Treasurers."

Also, that the Assembly had passed the following bills, a substitute for Senate bill entitled "an Act to provide for the Enumeration of the Inhabitants of the State of California."

"An Act for the relief of John L. Smith, Under-Sheriff of Mariposa County."

"An Act ceding jurisdiction over certain lands to the United States, and exempting the same from Taxation."

"An Act for the payment of W. G. Ross' allowance as witness in the contested election between Messrs. Coats and Hawks."

"An Act supplemental to an Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 28, 1851."

Also, that they had passed the following Joint Resolutions, "Joint Resolution in regard to Volunteers informally enlisted in the United States Service."

"Joint Resolution requesting our Senators and Representatives to use their best efforts to obtain certain Arms from the General Government."

Assembly bill for "an Act to provide for the Enumeration of the Inhabitants of the State of California," was then taken up, read a first and second time, and referred to the Judiciary Committee, with instructions to report the same back to the Senate on to-morrow.

Assembly concurrent Resolution "to stop the pay of Judges while absent on leave from the State," was taken up and concurred in.

Mr. Robinson, on leave, introduced a bill for "an Act for the relief of Insolvent Debtors and for the protection of Creditors," which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for "an Act for the payment of Wm. G. Ross' allowance as witness in the contested Election between Coats and Hawks," was read a first and second time, and referred to Committee on Elections.

Assembly "Joint Resolution requesting our Senators and Representatives to use their best efforts to obtain certain Arms from the General Government," was taken up, read a first and second time, the rules suspended, it was then read a third time and passed."

Assembly bill for "an Act supplemental to an Act entitled an Act to provide for the Incorporation of Rail Road Companies, passed April 28, 1851," was read a first and second time, and referred to the Committee on Corporations.

Assembly bill for "an Act for the relief of John L. Smith, Under-Sheriff of Mariposa County," was read a first and second time, and referred to the Committee on Claims.

Assembly bill for "an Act ceding jurisdiction over certain lands to the United States and exempting the same from Taxation," was then read a first and second time, and referred to the Committee on Public Lands.

Assembly "Joint Resolution in regard to Volunteers informally enlisted in the United States Service," was then read a first and second time, and referred to the Committee on the Militia.

Mr. Ralston from the Committee on Corporations, to whom had been referred the petition of Isaac Owen and others, praying the Legislature to change by law the name of California Wesleyan College, reported a bill for "an Act to change the name of the California Wesleyan College, to that of

the University of the Pacific," which was read a first and second time, the rules were suspended, it was considered, engrossed, read a third time and passed.

Mr. Ralston, on leave, introduced a bill for "an Act concerning Fugitives from Justice," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Ralston, also introduced a bill for "an Act to authorize and enforce Mortgage on Personal Property," which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Lewis, pursuant to notice, introduced a bill for "an Act to divide the State into Congressional Districts," which was read a first and second time, and referred to the Committee on Elections.

Mr. Hubbs submitted a resolution, which was adopted, authorizing the Committee on Commerce and Navigation to employ a clerk.

On motion the Senate, as in Committee of the Whole, took under consideration Senate bill for "an Act to Fund indebtedness of the State from April 29, 1851, to December 31, 1852, for the payment of the three per cent. bonds, and to prevent the issue of Warrants payable to order," and having made some progress therein, the Committee rose and asked leave to sit again, which was granted.

Mr. Walton, on leave, introduced a bill for "an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges," which was read a first and second time, and referred to the Committee on Mines and Mining Interests.

On motion of Mr. Van Buren, Mr. Walton was added to the Committee on Mines and Mining Interests.

Mr. Lewis presented a petition from citizens of Butte County, praying for the removal of the County seat of said County from Hamilton, which was read and referred to Committee on County Boundaries.

A message was received from the Governor, informing the Senate that he had appointed William G. Ross and William W. Gift, Port Wardens of San Francisco, vice Albert Brenholm and E. J. Moore.

Whereupon, Mr. Tingley submitted the following resolution :

*Resolved*, That the Senate do advise and consent to the nomination of Wm. G. Ross, a Port Warden for the Port of San Francisco, in place of Albert Brenholm, on which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Robinson,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Warner,  
Wambough—18.

NAYS.

Mr. Roach,

So the nomination was confirmed.

Mr. Tingley then submitted the following resolution :

*Resolved*, That the Senate do advise and consent to the nomination of Wm. W. Gift as Port Warden for the Port of San Francisco, in place of E. J. Moore, which was adopted by the following vote.

AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Roach,  
Robinson,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Warner.—18.

NAYS—NONE.

So the nomination was confirmed.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

TUESDAY, March 2d, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to change the name of the California Wesleyan College, to that of 'The University of the Pacific.'"

Adopted.

Mr. Roach from the Joint Committee on Enrolled Bills, reported as cor-

rectly enrolled, "an Act authorizing the Comptroller of State to sue and prosecute County Treasurers, and other persons charged with the collection of State Revenue who have failed or refused to discharge their duties."

Also, "an Act concerning the office of County Recorder in the County of Tuolomne."

Adopted.

Mr. Cooke from the Judiciary Committee, to whom had been referred the petition of certain Ministers of the Gospel in relation to "an Act concerning Marriages," reported the same back, with an opinion that it is inexpedient to legislate upon the subject.

The report was adopted.

Mr. Miller from the Committee on Elections, to whom had been referred the bill for "an Act for the payment of Wm. G. Ross' allowance as witness in the contested election between Messrs. Coats and Hawks, reported the same back, and recommended its passage.

The report was accepted, and the bill laid on the table.

A message was received from the Assembly, informing the Senate that they had passed a bill for "an Act requiring the Comptroller to audit certain bills of the Members of the present Legislature." The bill was then taken under consideration, read a first and second time,

When Mr. Cooke moved that it be indefinitely postponed, on which the ayes and nays were demanded, and resulted as follows :

#### AYES.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Roach,

Messrs. Robinson,  
Snyder,  
Van Buren,  
Warner—9.

#### NAYS.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Sprague,  
Tingley,  
Walsh,  
Walton,  
Wambough—15.

So the motion to postpone was lost.

Objections being made to the third reading of the bill it was laid over under the rule.

Mr. Van Buren introduced a bill for "an Act to amend an Act entitled an Act to License Gaming," passed March 14, 1851, which was read a first and second time, and laid over until to-morrow.

Mr. Van Buren gave notice that he would on to-morrow introduce a bill



for "an Act concerning Jurors, and to repeal the present Act on that subject."

A message was received from the Assembly, informing the Senate that the Governor had approved "an Act granting leave of absence to Judge T. H. Caswell of Nevada County."

Also "an Act explanatory of an Act entitled an Act to change and define the Boundaries of Contra Costa and San Joaquin Counties."

Also "an Act to set apart twenty-five hundred dollars to meet the current expenses of the Senate and Assembly."

Also that the Assembly did on yesterday pass a bill for "an Act to establish the County of Siskayou and establish the seat of Justice therein."

And a bill for "an Act to divide the County of Colusi and define its Boundaries."

Assembly bill for "an Act to divide the County of Colusi and define its Boundaries," was then read a first and second time, and referred to the Committee on County Boundaries.

Assembly Bill for "an Act to establish the County of Siskayou and establish the seat of Justice therein," was also read a first and second time, and referred to the Committee on County Boundaries.

Mr. Miller, (Mr. Keyser in the chair) presented the claim of F. H. Sanford for \$1,250 54, for services as District Attorney in the District of San Jose, under Governor Riley, which was read and referred to the Judiciary Committee.

Mr. Snyder from the Committee on Claims to whom had been referred the bill for "an Act for the relief of Tobin & Duncan," reported the same back and recommended its passage. The bill was then read a first and second time, the rules were suspended, and it was considered, engrossed, and read a third time, when

Mr. Warner moved a call of the Senate, which was sustained, and on the roll being called, the following Senators were absent—Messrs. Cooke, Foster, Lind, Lott, McKibben, Ralston, Soule and Walton.

On motion of Mr. Van Buren, Messrs. Soule and Ralston were excused from the action of the call.

On motion of Mr. Tingley, further proceedings under the call were dispensed with.

The question then recurring on the final passage of the bill, the ayes and nays were demanded, and resulted as follows :

#### AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,  
Keyser,  
Lind,  
Miller,

Messrs. Roach,  
Robinson,  
Snyder,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton—17.

NAYS.

Messrs. Broderick,  
Estill,  
Keene.

Messrs. Lewis,  
Warner,  
Wambough—6.

So the bill was passed.

Mr. Robinson gave notice that he would on to-morrow move to reconsider the vote just taken.

Mr. Hubbs submitted the following resolution which was adopted.

*Resolved*, That the Committee on Claims be directed to report a bill providing for the payment of \_\_\_\_\_ dollars to W. J. Whitney.

Mr. Warner gave notice that he would on to-morrow introduce a bill for "an Act to repeal an Act entitled an Act creating the Office of Superintendent of Public Buildings," passed April 25, 1851.

Mr. Hubbs submitted a resolution which was adopted, appointing a Committee of three to examine and report upon the accounts of the Treasurer of Tuolumne County. The chair appointed as such Committee, Messrs. Hubbs, Van Buren and Walton.

Mr. Hubbs submitted a resolution which was adopted instructing the Secretary of State to deliver certain accounts and claims to W. F. McLean.

Mr. Wambough moved to lay the special order of the day on the table until to-morrow, on which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Broderick,  
Keene,  
Keyser,  
Lott,

Messrs. Roach,  
Warner,  
Wambough—7.

NAYS.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Fry,  
Hubbs,  
Ralston,

Messrs. Snyder,  
Sprague,  
Tingley,  
Van Buren,  
Walsh—11.

So the motion was lost.

The Senate then, as in Committee of the Whole, again took under consideration the bill for "an Act to Fund the indebtedness of the State, which has accrued, or may have accrued from April 29, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. Bonds, and to prevent the issue of Warrants upon the Treasury, payable to order."

and having made some further progress thereon, rose and asked leave to sit again, which was granted.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## SENATE.

WEDNESDAY, March 3, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Lind presented the claims of sundry persons against the Quartermaster-General's Department, which were read; and, on motion of Mr. Ralston, the further consideration of the same was indefinitely postponed.

Mr. Fry presented a petition from certain citizens of Placer County, praying the Legislature to pass a law to suppress gambling, which was read and referred to the Special Committee to whom was referred the bill for "an Act to suppress Gambling."

Mr. Walton presented a petition upon the same subject, from citizens of El Dorado County, which was referred to the same Committee.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act authorizing the Comptroller to sue and prosecute County Treasurers and other persons charged with the collection of State revenue, who have failed or refused to discharge their duties;" also, "a Joint Resolution in relation to Emigrant Vessels;" also, "Joint Resolution for the distribution of the Journals of the Convention and Legislature by the Secretary of State;" also, "an Act exempting the Hospital and Interest Funds from the operation of the Act entitled 'an Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law.'"

Adopted.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom had been referred the petition of certain citizens of the City of San Francisco, praying the Legislature to create by law a Guager and Inspector of Liquors for said city, reported against granting the prayer of the petitioners, and the report was adopted.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom had been referred the petition of James Cunningham, praying the Legislature to pass a law confirming his title to certain lots in San Francisco, reported the same back with an opinion that the Legislature should take no action on the matter, and the report was adopted.

Mr. Snyder, from the Select Committee to whom had been referred the

Senate bill for "an Act to enumerate the inhabitants of the State of California," reported the same back with amendments; and, on motion, the report was accepted and the bill laid on the table.

Mr. Sprague, from the Judiciary Committee, to whom had been referred the bill for "an Act amendatory of an Act entitled 'an Act to exempt the Homestead and other property from forced sale in certain cases,'" reported the same back with an amendment.

The report was accepted and the bill laid on the table.

Mr. Sprague, from the Judiciary Committee, to whom had been referred the memorials of citizens of Shasta County in relation to a special election in said county, for the office of Sheriff, reported the same back with a bill for "an Act to authorize a special election in the County of Shasta, for the office of Sheriff," and recommended its passage.

The report was accepted and the bill read a first time and laid on the table.

Mr. Snyder, from the Committee on Claims, agreeably to instructions, reported a bill for "an Act for the relief of W. J. Whitney," and recommended its passage.

Report accepted and bill laid over for the present.

Mr. Cooke, from the Judiciary Committee, to whom had been referred the bill for "an Act concerning Fugitives from Justice," reported the same back with amendments.

The report was accepted and the bill laid on the table.

A message was received from the Governor, returning an Act entitled "an Act to amend an Act supplementary to an Act concerning County Recorders," on the ground that he had previously approved one with precisely the same provisions.

A message was received from the Assembly informing the Senate that they did on yesterday pass a bill for "an Act concerning the County Recorder of Santa Barbara County;" also, a bill for "an Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State."

Assembly bill for "an Act concerning the County Recorder of Santa Barbara County," was then read a first and second time; the rules suspended, it was read a third time and passed.

Mr. Fry, from the Special Committee to whom was referred the bill for "an Act to suppress Gambling," reported the same back without amendment.

Report accepted and the bill laid on the table.

Assembly bill for "an Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," was then read a first and second time and referred to the Judiciary Committee.

Mr. Cooke, on leave, introduced a bill for "an Act providing for a Fund for the use of the State Library," which was read a first and second time and referred to the Committee on State Library.

Mr. Van Buren, agreeably to previous notice, introduced a bill for "an Act concerning Jurors," which was read a first and second time and laid over under the rule.

Mr. Keyser submitted a resolution, which was adopted, providing for the payment of the salary of the Chaplain of the Senate.



The bill for "an Act for the relief of W. J. Whitney," was taken from the table, read a first and second time—amended—the rules suspended, it was then read a third time, when Mr. Sprague moved a call of the Senate, which was sustained: and, on the roll being called, the following Senators were absent:

Messrs. Anderson, Cooke, Soule and Wambough.

On motion, Messrs. Soule and Wambough were excused from the action of the call.

On motion of Mr. Tingley, the Sergeant-at-Arms, was directed to bring in the absentees.

The absentees having appeared, on motion further proceedings under the call were suspended.

The question then recurring on the passage of the bill, it was decided in the affirmative by ayes and nays as follows:

#### AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Hubbs,  
Keene,  
Keyser,

Messrs. McKibben,  
Miller,  
Snyder,  
Tingley,  
Walsh,  
Walton—13.

#### NAYS.

Messrs. De la Guerra,  
Foster,  
Fry,  
Lewis,  
Lind,  
Ralston,

Messrs. Roach,  
Robinson,  
Sprague,  
Van Buren,  
Warner—11.

Mr. Robinson moved to reconsider the votes of yesterday on the passage of the bill for "an Act for the relief of Tobin and Duncan," on which the ayes and nays were demanded and resulted as follows:

#### AYES.

Messrs. De la Guerra,  
Fry,  
Lewis,  
Lind,

Messrs. Ralston,  
Robinson,  
Warner—7.

#### NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,

Messrs. Miller,  
Roach,  
Snyder,  
Sprague,

Messrs. Hubbs,  
Keene,  
Keyser,  
McKibben,

Messrs. Tingley,  
Van Buren,  
Walsh,  
Walton—16.

So the motion to re-consider was lost.

Mr. Lewis asked leave of absence for two days for Mr. Wambough. Granted.

On motion of Mr. Lind, (Mr. Robinson in the chair) the Senate, as in Committee of the Whole, went into consideration of Assembly bill for "an Act requiring the Comptroller to audit certain bills of the members of the present Legislature;" and, having agreed to its passage without amendment, reported the same back to the Senate, when it was read a third time; and on the question—"Shall the bill now be passed?" the ayes and nays were demanded and resulted as follows:

## AYES.

Messrs. Estill,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Sprague,  
Walsh,  
Walton—11.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Warner—14.

So the Senate refused to pass the bill.

Mr. Broderick moved to re-consider the vote just taken.

Mr. Cooke moved to postpone indefinitely the motion to re-consider,—on which the ayes and nays were demanded and resulted as follows:

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Van Buren,  
Warner—11.

## NAYS.

Messrs. Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Sprague,  
Tingley,  
Walsh,  
Walton—14.

So the motion was lost.

The question then recurring on the motion to re-consider, the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Sprague,  
Tingley,  
Walsh,  
Walton—14.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Van Buren,  
Warner—11.

So the motion to re-consider was carried.

Mr. Van Buren moved to lay the bill on the table, which was lost by ayes and nays as follows :

## AYES.

Messrs. Anderson,  
De la Guerra,  
Foster,  
Ralston,

Messrs. Roach,  
Robinson,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,

Messrs. Lott,  
McKibben,  
Miller,

Messrs. Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Snyder,  
Sprague,  
Tingley,  
Walsh,  
Walton—17.

So the motion was lost.

The question then recurring on the passage of the bill, it was decided in the affirmative by the following vote :

AYES.

Messrs. Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Sprague,  
Tingley,  
Walsh,  
Walton—13.

NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Fry,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Van Buren,  
Warner—12.

On the question—"Shall the title stand?" Mr. Van Buren moved, as a substitute for the same, the following words:—"An Act to pay members of the Legislature money which of right belongs to all the creditors of this State, and to establish a system of preferred creditors," on which the ayes and nays were demanded and resulted as follows :

AYES.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Foster,

Messrs. Roach,  
Robinson,  
Van Buren—7.

NAYS.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. McKibben,  
Ralston,  
Snyder,  
Sprague,  
Tingley,



Messrs. Keyser,  
Lewis,  
Lott,

Messrs. Walsh,  
Walton,  
Warner—16.

So the substitute was lost.

No further objections being made, the title was agreed to.

Mr. Ralston introduced a bill for "an Act to authorize Landlords to distrain for rent and to sell property distrained," which was read a first and second time and referred to the Judiciary Committee.

Mr. Walsh introduced a bill for "an Act to establish Pilot Regulations for the Port of San Francisco," which was read a first and second time and referred to the Committee on Commerce and Navigation.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act for the relief of Tobin and Duncan;" a bill for "an Act for the relief of W. J. Whitney for furnishing the Capitol, and for stationery;" and the report was adopted.

Mr. Warner introduced a bill for "an Act to provide for the safe keeping of certain property, and for the preparation of the Legislative Halls and Offices," which was read a first and second time and referred to Committee on Public Railways.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

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## IN SENATE.

THURSDAY, March 4, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The journal of Wednesday last was read and approved.

Mr. Wambough presented the petition of certain citizens of Yolo County, praying the enactment of stringent laws for the Suppression of Gambling, which was referred to the Select Committee on the subject of Gambling.

Messrs. Snyder and Miller, from the Committee on Claims, made a majority report in favor of the claims of Drewry P. Baldwin and Thos. J. Green, and the report was adopted.

Mr. Cooke from the Judiciary Committee made the following report.

That the Committee have had under consideration "an Act concerning Apprentices," have carefully considered the same, and report that they consider it inexpedient to legislate on the subject at this time; and they,

therefore, recommend the indefinite postponement of the bill. The Committee also

Report back "an Act amendatory of Section first of an Act entitled 'an Act concerning the Salaries of Officers and Pay of Members of the Legislature,'" passed May 1, 1851, and recommended its passage.

The report was adopted and the bills laid on the table.

Mr. Cooke, from the Judiciary Committee, requested permission to have printed, Senate bill for "an Act to regulate summary proceedings for the Possession of Real Property," which was granted.

Mr. Anderson from the Committee on Public Lands, to whom was referred Senate Joint Resolutions "on Public Lands," reported the same back with substitutes, and recommended their passage.

The report was adopted, and

On motion of Mr. Anderson, the resolutions were laid on the table.

On motion of Mr. Fry, Mr. Estill was granted four days leave of absence.

Mr. Roach from the Joint Committee on Enrollments, reported as correctly enrolled Assembly "Joint Resolution requesting our Representatives in Congress to use their best efforts to obtain certain Arms from the General Government," and the report was adopted.

A message was received from the Assembly informing the Senate that the Assembly did on yesterday pass a concurrent resolution upon the subject of the Public Printing, and appointed a Joint Committee of the two houses on the subject, and that they have appointed on their part, Messrs. Peachy, Stevenson, Caldwell and McKenzie.

That the Assembly also passed on yesterday, a bill to be entitled an Act to protect the State Treasurer against vexatious suits and proceedings.

The concurrent resolution received with the message was then taken up, and

On motion of Mr. Cooke referred to the Committee on Public Printing.

Assembly bill to protect the State Treasurer against vexatious suits and proceedings, was also taken up, read a first time, and laid upon the table.

On motion of Mr. Fry, the bill for an Act "to Suppress Gambling," was taken up, and made the special order of the day for Saturday, 6th March.

On motion of Mr. Cooke, Senate bill for "an Act amendatory of Section first of an Act entitled 'an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 1, 1851,'" was taken up.

Mr. Sprague moved to amend by striking out \$7,000, the amount of salary allowed to each of the Judges of the Supreme Court, and inserting \$5,000, on which the ayes and nays were demanded with the following result:

AYES.

Messrs. De la Guerra,  
Ralston,

Messrs. Sprague,  
Warner—4.

NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,

Messrs. McKibben,  
Miller,  
Robinson,

Messrs. Foster,  
Hubbs,  
Keene,  
Keyser,  
Lind,  
Lott,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh,  
Walton—18.

And the motion to amend was lost.

The bill was then read a third time, and passed by the following ayes and nays.

AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Fry,  
Keyser,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Walsh—15.

NAYS.

Messrs. Foster,  
Hubbs,  
Keene,  
Ralston,

Messrs. Sprague,  
Walton,  
Warner—7.

On motion of Mr. Van Buren, Senate bill for "an Act to amend an Act entitled 'an Act to License Gaming, passed March 14, 1851,'" was made the special order of the day for Saturday next.

On motion of Mr. Van Buren, Assembly bill for "an Act to provide for the payment of Drewry P. Baldwin and Thomas J. Green, for expenses incurred in laying off the Public Grounds in the City of Vallejo," was taken up, read a third time and passed by the following vote :

AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Hubbs,  
Keyser,  
Lind,  
McKibben,

Messrs. Miller,  
Roach,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh—15.

## NAYS.

Messrs. De la Guerra,  
Keene,  
Lewis,  
Lott,  
Ralston,

Messrs. Robinson,  
Sprague,  
Walton,  
Warner—9.

Mr. Hubbs moved to take up the special order of the day.

Mr. Warner moved to take up Senate Bill for "an Act to regulate Rodeos, approved April 30, 1851."

Not agreed to.

Mr. Walsh in the chair.

The Senate then proceeded as in Committee of the Whole to the consideration of the special order of the day, being the Senate bill for "an Act to Fund the indebtedness of the State, which has accrued or may accrue, from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. Bonds, and to prevent the issue of Warrants upon the Treasury, payable to order." And after making some progress therein, the Committee rose, reported the bill back with sundry amendments, which were concurred in,

And, on motion, the bill was ordered engrossed for a third reading on to-morrow.

A message was received from the Governor, informing the Senate that he had this day approved the following Acts and Joint Resolutions, viz :

"An Act entitled an Act exempting the Hospital and Interest Funds from the operations of the Act entitled 'an Act requiring the Treasurer to retain certain moneys, until appropriations thereof shall be made by law.'"

An Act entitled "an Act authorizing the Comptroller of State to sue and prosecute County Treasurers, and other Officers charged with the collection of Revenue, who have failed, or refused to discharge their duties."

"A Joint Resolution in relation to Emigrant Vessels."

"A Joint Resolution providing for the Distribution of the Journals."

On motion of Mr. Foster, the Senate then took up Senate bill for "an Act to regulate Rodeos," approved April 30, 1851. The bill was amended, read a third time and passed.

On motion of Mr. Van Buren, Senate bill for "an Act concerning the Deposit of Gold Dust. Money or other valuables, and to prevent frauds therein," was made the special order of the day for to-morrow, (Friday.)

On motion of Mr. Robinson, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.



## IN SENATE.

FRIDAY, March 5, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The journal of Thursday was read and approved.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for an Act to amend "An Act to regulate Rodeos," approved April 30, 1851.

Report adopted.

Mr. Lott, from the Committee on Claims, to whom had been referred Assembly bill for "An Act directing the Comptroller to draw Warrant in favor of J. P. Wyatt, for ninety-five dollars," reported the same back and recommended its passage.

The report was adopted and the bill was read a third time and passed.

Mr. Hubbs, from the Joint Committee on Enrolled Bills, reported as correctly enrolled Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature," and the report was adopted.

Mr. Ralston moved to take from the table the joint resolution for adjournment on the 5th day of March, at 12 o'clock, M., on which the ayes and nays were demanded and resulted as follows:

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Warner—15.

## NAYS.

Messrs. Anderson,  
De la Guerra,  
Keene,  
Lott,

Messrs. Van Buren,  
Walsh,  
Walton—7.

So the resolution was taken from the table.

Mr. Van Buren then moved to indefinitely postpone the resolution, which was not agreed to by ayes and nays as follows:

## AYES.

Messrs. Anderson,  
Keene,  
Keyser,  
Lott,

Messrs. Van Buren,  
Walton,  
Warner—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,  
Lewis,  
Lind,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Walsh—16.

Mr. Ralston moved to amend by striking out "fifth," and inserting "eighteenth."

Mr. Van Buren called for a division of the question and it was taken on striking out and carried.

Mr. Sprague moved to insert "twenty-fifth."

Mr. Van Buren moved to amend by inserting the "first day of April," when, on further motion of Mr. Van Buren, the whole matter was laid on the table.

Mr. Tingley submitted a resolution requiring the Senate, on and after Monday next, to convene at 9 o'clock, A. M., and adjourn at 12, M., convene again at 2 P. M., and continue in session until such time as may be deemed proper for adjournment.

Mr. Van Buren moved to amend the resolution by striking out "nine" and inserting "ten," which was agreed to.

Mr. Van Buren moved further to amend by striking out all after the words ten o'clock, A. M., on which the ayes and nays were demanded by Messrs. Tingley and Van Buren, and decided in the affirmative by the following vote:

## AYES.

Messrs. Broderick,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. Lewis,  
Lind,  
Lott,  
McKibben,  
Ralston,  
Van Buren,  
Walsh—14.

## NAYS.

Messrs. Cooke,  
Miller,  
Roach,  
Soule,

Messrs. Sprague,  
Tingley,  
Walton,  
Warner—8.

Mr. Keyser, on leave, introduced a bill for "an Act to provide for the payment of the salary of the Quarter-Master General, of the State of California," which was read a first and second time and referred to the Committee on Militia.

Mr. Broderick, on leave, introduced a bill for "an Act concerning fees in office," which was read a first and second time and referred to the Judiciary Committee.

Mr. Keyser, from the Committee on County Boundaries, to whom had been referred Assembly bill for "an Act to divide the County of Colusi, and define its boundaries," reported the same back with an amendment, and recommended its passage.

The report was adopted and the bill laid on the table.

Assembly bill for "an Act for the payment of William G. Ross, his allowance as witness in the contested election between Messrs. Coats and Hawks," was then taken from the table read a third time and passed.

The Senate then, as in Committee of the whole, (Mr. Warner in the chair.) took under consideration a bill for "an Act concerning the deposit of gold dust, money or other valuables, and to prevent fraud therein," and having considered the same reported it back to the Senate with amendments, which, on motion of Mr. Tingley, were concurred in and the bill was read a third time and passed.

Mr. Ralston, on leave, introduced a bill for "an Act to create a Board of Supervisors, for the Counties of this State, and to define their duties and powers," which was read a first and second time and referred to the Judiciary Committee.

Mr. Hubbs presented the claim of E. Barry for \$4,078.00, which was referred to the Committee on Claims.

On motion of Mr. Van Buren, Assembly bill for "an Act to protect the State Treasurer against vexatious suits and proceedings," was then taken from the table, read a second time, and referred to the Judiciary Committee, with instructions to report the same back on Monday next, and the bill was made the special order for that day.

On motion of Mr. Van Buren, the bill for "an Act concerning fugitives from justice," was taken from the table, read a third time and passed.

On motion of Mr. Ralston, the bill for "an Act concerning apprentices," and the report of the Judiciary Committee on the same, were taken from the table, and, on motion of Mr. Cooke, the report was concurred in and the bill indefinitely postponed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to fund the indebtedness of the State, which has accrued or may accrue from April 29th, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. Bonds."

The report was accepted,

When Mr. Anderson moved to re-commit the bill to a Special Committee with instructions to report the same back on to-morrow, with an amendment to strike out the third clause of the eighth Section, and to insert in lieu thereof a provision that fifty cents be reserved out of each poll tax, to be carried to the Sinking Fund, and applied to the payment of the State debt.

Mr. Ralston moved to amend the motion by further instructing the Committee to report as amendments to the bill :

1. That the bonds, therein authorized, shall draw no more than six per cent. interest, per annum.
2. The interest and principal on the bonds shall be payable only at the office of the State Treasurer, and not in the city of New York.

3. And that no pledge be made for the payment of the same, except the honor of the State.

4. To refer the act to the vote of the people, so that the same shall not become a law unless the voters of the State shall, by their votes, agree to it.

On which the ayes and nays were demanded and resulted as follows :

## AYES.

Mr. Broderick,

Mr. Ralston.

## NAYS.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keene,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton,  
Warner—19.

So the amendment was lost.

Mr. Ralston moved to amend the motion of Mr. Anderson, by striking out all relating to the reservation of fifty cents of each poll tax, on which the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Broderick,  
Foster,  
Keene,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Ralston,  
Sprague,  
Walsh,  
Walton—12.

## NAYS.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Fry,  
Hubbs,

Messrs. Roach,  
Soule,  
Tingley,  
Van Buren,  
Warner—10.

So the amendment was adopted.

The question then recurring on the motion to re-commit, with instructions, the ayes and nays were demanded with the following result :



## AYES.

Messrs. Anderson,  
Broderick,  
Fry,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Soule,  
Walton—9.

## NAYS.

Messrs. Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keene,  
Lewis,  
Miller,

Messrs. Roach,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Warner—13.

So the Senate refused to re-commit.

Mr. Broderick moved to strike out the third clause of the eighth Section, which motion the chair ruled to be not in order, from which decision an appeal was taken, and on the question, "Shall the decision of the chair be sustained?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton,  
Wambough—20.

## NAYS.

Mr. Broderick,

Mr. Keene—2.

The question then recurring on the third reading of the bill, it was decided in the affirmative by ayes and nays as follows:

## AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Foster,  
Hubbs,

Messrs. Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,

Messrs. Keene,  
Lewis,  
Miller,

Messrs. Walsh,  
Warner—15.

## NAYS.

Messrs. Broderick,  
Fry,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Walton—7.

The bill was then read a third time, and, on the question "Shall the bill now be passed?" it was decided in the affirmative by ayes and nays as follows:

## AYES.

Messrs. Anderson,  
Cooke,  
De la Guerra,  
Foster,  
Hubbs,  
Keene,  
Lewis,  
Miller,

Messrs. Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Warner—15.

## NAYS.

Messrs. Broderick,  
Fry,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Walton—7.

On motion of Mr. Lott, leave of absence was granted to Mr. Snyder until Monday next.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act amendatory of the first Section of an Act entitled an Act concerning the salaries of officers, and pay of members of the Legislature," passed May 1, 1851.

The report was adopted.

On motion of Mr. Walsh, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, March 6, 1852.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem., in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Fry presented a petition from citizens of Placer County, asking the Legislature to pass a law exempting from sale by execution one mining claim for each individual holder of the same, which was read and referred to the Committee on Mines and Mining Interests.

Mr. Anderson, from the Committee on Public Lands, to whom had been referred the bill for "an Act granting right of way to the United States through this State," reported the same back and recommended its passage.

The report was adopted and the bill was laid on the table.

Mr. Fry, from the Committee on Contingent Expenses, to whom had been referred the claim of C. H. Veeder, reported the same back with a bill for "an Act for the relief of C. H. Veeder," and recommended its passage.

The report was accepted and the bill laid on the table.

Mr. Fry, from the Committee on Militia, to whom was referred Assembly "Joint Resolution in regard to Volunteers informally enlisted in the United States service," reported the same back and recommended its passage.

The report was accepted and the resolution laid on the table.

Mr. Tingley, on leave, introduced a bill for "an Act to enforce contracts and obligations to perform work and labor," which was read a first and second time and referred to a Select Committee of five.

The chair appointed as such Committee—Messrs. Tingley, Anderson, Walsh, Foster and Roach.

On motion of Mr. Sprague, the bill for "an Act authorizing a Special Election in the County of Shasta, for the office of Sheriff," was taken from the table, read a second time; the rules suspended, it was then read a third time and passed.

On motion of Mr. Hubbs, the report of the Committee on Claims, asking for certain instructions, was taken under consideration, when, on motion of Mr. Van Buren, it was laid on the table.

Mr. Hubbs submitted a resolution, which was adopted, requesting the Committee on Claims to report a bill for the relief of Edward Barry, and to leave the amount, proposed to be paid, blank.

Mr. Van Buren, on leave, introduced a bill for "an Act to amend the forty-seventh Section of the Act entitled 'an Act concerning Officers,'" passed April 28th, 1851, which was read a first and second time; the rules suspended, it was then read a third time and passed.

Mr. Robinson, on leave, introduced a bill for "an Act for the assurance of titles to purchasers at judicial sales," which was read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Fry, the Senate, as in Committee of the Whole, took under consideration the bill for "an Act to suppress Gambling;" and also, a bill for "an Act to amend an Act to License Gaming," passed March 14th, 1851; and, having made some progress on the first named bill, arose and asked leave to sit again, which was granted.

A message was received from the Assembly informing the Senate that they did on yesterday pass the following bills:

A bill for "an Act defining the Boundary between Butte and Sutter Counties."

A bill for "an Act for the relief of James L. Bolen."

A bill for "an Act supplemental to an Act to Incorporate the City of Santa Barbara."

On motion, the Senate adjourned until Monday next at 10 o'clock.

B. FRANK KEENE.

President of the Senate, pro tempore.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, March 8, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem., in the chair.

The Journal of Saturday was read and approved.

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to amend the forty-seventh Section of an Act entitled "an Act concerning Officers," passed April 28, 1851.

Also a bill for "an Act to authorize a Special Election in the County of Shasta for the Office of Sheriff."

Also a bill for "an Act concerning the Deposit of Gold Dust, Money or other valuables, and to prevent fraud therein."

The report was adopted.

Mr. Fry, from the Committee on Militia, to whom had been referred a bill for "an Act to provide for the payment of the Salary of the Quartermaster General of the State of California," reported the same back, and recommended its passage, when,

On motion of Mr. Cooke, the bill was recommitted with instructions.

The Committee subsequently reported back the bill with amendments, in which the Senate refused to concur by the following vote:

### AYES.

Messrs. Roach,  
Tingley,

Van Buren—3.

### NAYS.

Messrs. Anderson,  
Broderick,  
De la Guerra,

Messrs. Lind,  
Lott,  
Ralston,



Messrs. Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. Robinson,  
Sprague,  
Walsh,  
Walton,  
Warner—16.

The bill was then read a third time and passed.

Mr. Warner from the Committee on Indian Affairs, to whom had been referred the bill for "an Act to provide for the settlement of claims against the State, for, and on account of expenses incurred in the suppression of Indian Hostilities," reported the same back with amendments, and recommended its passage.

The report was adopted and the bill laid upon the table.

Mr. Fry, on leave, introduced a bill for "an Act concerning Escheated Estates," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Van Buren, on leave, introduced a bill for "an Act further to define the duties of County Treasurers," which was read a first and second time, and referred to the Finance Committee.

Assembly bill for "an Act concerning the Organization of the Militia," was then read a first and second time, and referred to the Committee on Militia.

Assembly bill for "an Act defining the Boundary between Butte and Sutter Counties," was then read the first and second time, and referred to a select committee, consisting of Messrs. Lott, Keyser and Lewis.

Assembly bill for "an Act for the relief of James L. Bolen," was then read the first and second time, and referred to the Committee on Claims.

Assembly bill for "an Act supplementary to an Act to Incorporate the City of Santa Barbara," passed April 9, 1850, was then read a first and second time, the rules suspended, it was read a third time and passed.

On motion of Mr. Van Buren, the bill for "an Act to Fund the debt of the County of San Joaquin," was taken from the table, and referred to the Committee on Finance.

On motion of Mr. Cooke, further time was granted the Judiciary Committee to report on Assembly bill for "an Act to protect the State Treasurer against vexatious suits and proceedings."

On motion of Mr. Van Buren, the bill for "an Act to Suppress Gambling," made the special order for to-day, was taken under consideration, and after some discussion laid upon the table.

On motion of Mr. Broderick, the Resolution for adjournment on day of March, at 12 M., was taken from the table.

Mr. Robinson moved to fill the blank with "twenty-fifth,"

Mr. Van Buren moved to lay the resolution on the table, on which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Anderson,  
De la Guerra,  
Fry,  
Keene,

Messrs. Lott,  
Soule,  
Sprague,  
Van Buren,

Messrs. Keyser,  
Lewis,  
Lind,

Messrs. Walsh,  
Walton,  
Warner—14.

## NAYS.

Messrs. Broderick,  
McKibben,  
Ralston,

Messrs. Roach,  
Robinson,  
Tingley—6.

So the resolution was laid on the table.

On motion of Mr. Broderick, the Select Committee appointed to recommend the mode of drawing for terms of Senators, were instructed to report on to-morrow.

Mr. Broderick presented the English translation of a decree of Antonio Lopez de St. Anna, made March 11, 1842, in relation to strangers and foreigners residing in the Republic of Mexico, which was referred to the Committee on the Judiciary.

On motion of Mr. Keene, (Mr. Lind in the chair) the Senate as in Committee of the Whole, took under consideration the bill for "an Act for the relief of C. H. Veeder, and having considered the same, reported it back, with an amendment, which was concurred in, and the bill, as amended, read a third time and passed.

Mr. Soule from the Committee on Education, submitted a report with a bill for "an Act concerning Common Schools." The report was read, accepted, and one thousand copies ordered to be printed. The bill was read the first and second time, and laid over printed. (See Appendix 27.)

Mr. Broderick, on leave, introduced a bill for "an Act to provide for Private Entry, upon lands belonging to this State, which was read the first and second time, and referred to the Committee on Public Lands.

Mr. Warner, from the Committee on Indian Affairs, to whom was referred the petition of G. W. Holt, for relief on account of losses sustained by the Indians, reported the same back with an opinion that the subject belongs to the Congress of the United States; and also asked leave for the petitioner to withdraw his claim, which was granted, and the report adopted.

On motion, the Senate adjourned.

B. FRANK KEENE,  
President of Senate pro tem.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, March 9, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem. in the chair.

A quorum of Senators not being present, on motion of Mr. Van Buren, the Senate took a recess for one hour.

12 o'clock, M.

Senate re-assembled, a quorum present, President pro tem. in the chair. The Journal of Monday was read and approved.

Mr. Van Buren, on leave, introduced the following preamble and resolution :

" *Whereas*, The disastrous flood which is now overwhelming the City of " Sacramento and overflowing all the avenues to the Capitol, is preventing " the attendance of members of the Legislature, and it is with the greatest " difficulty that a working quorum can be called together in either House : " and *Whereas*, there are several important measures pending in both " Houses, which the best interests of the people imperatively demand " should be acted upon before the final adjournment of the Legislature : " therefore,

" *Resolved*, by the Senate, the Assembly concurring, That the two " Houses of the Legislature adjourn to meet at this place on Monday, the " twenty-second day of March, instant, at 12 o'clock of that day."

Mr. Sprague moved to amend by striking out " twenty-second," and inserting the " fifteenth."

Mr. Estill moved to amend by striking out the words—" this place," and inserting " San Francisco."

On motion of Mr. Sprague, the question was then taken on the motion to strike out the words—" this place," and insert " San Francisco," and decided in the negative by the following ayes and nays :

## AYES.

Messrs. Broderick,  
Cooke,  
Estill,

Messrs. Miller,  
Roach,  
Tingley—6.

## NAYS.

Messrs. Anderson,  
Foster,  
Fry,  
Hubbs,  
Keene,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Wambough—10.

The question was then taken on the amendment to strike out the words—" twenty-second," and was decided in the affirmative by the following ayes and nays :

## AYES.

Messrs. Foster,  
Fry,  
Hubbs,  
Keene,  
Miller,

Messrs. Ralston,  
Roach,  
Sprague,  
Walton,  
Wambough—10.

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,

Messrs. Estill,  
Tingley,  
Van Buren—6.

Mr. Wambough moved to fill the blanks with "seventeenth," which was decided in the negative by the following vote :

## AYES.

Messrs. Anderson,  
Fry,  
Keene,  
Ralston,

Messrs. Sprague,  
Walton,  
Wambough—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Hubbs,

Messrs. Miller,  
Roach,  
Tingley,  
Van Buren—9.

A motion was then made to insert the words—"fifteenth," and it was decided in the negative by the following vote :

## AYES.

Messrs. Anderson,  
Fry,  
Keene,  
Miller,

Messrs. Ralston,  
Sprague,  
Walton,  
Wambough—8.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,

Messrs. Hubbs,  
Roach,  
Tingley,  
Van Buren—8.

On motion of Mr. Van Buren, the resolution was then laid on the table by the following vote :



## AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Hubbs,  
Miller,

Messrs. Roach,  
Tingley,  
Van Buren,  
Walton,  
Wambough—11.

## NAYS.

Messrs. Anderson,  
Fry,  
Keene,

Messrs. Ralston,  
Sprague—5.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act to provide for the payment of the salary of the Quartermaster-General of the State of California;" also, a bill for "an Act for the relief of C. H. Veeder;" and the report was adopted.

Mr. Estill moved to adjourn, on which the ayes and nays were demanded with the following result:

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,

Messrs. Miller,  
Ralston,  
Tingley,  
Walton—8.

## NAYS.

Messrs. Fry,  
Hubbs,  
Keene,  
Roach,

Messrs. Sprague,  
Van Buren,  
Wambough—7.

So the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, March 10, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem*, in the chair.

The Journal of Tuesday was read and approved.

Mr. Anderson, from the Committee on Public Lands, to whom had been referred Assembly bill for "an Act ceding jurisdiction over certain lands to the United States, and exempting the same from taxation," reported it back, and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Cooke, from the Committee on the Judiciary, to whom had been referred Assembly bill for "an Act to protect the State Treasurer against vexatious suits and proceedings," reported the same back, and recommended that it be indefinitely postponed. The report and bill were laid on the table.

Mr. Snyder, from the Committee on Claims, to whom had been referred the claim of E. Barry, reported a bill for "an Act for the relief of E. Barry," and recommended its passage. The report was adopted, and the bill read a first and second time. The Senate then, as in Committee of the Whole, took under consideration the bill, and having considered the same, reported it back with an amendment. The Senate concurred in the amendment, and the bill was read a third time and passed.

Mr. Robinson, from the Committee on "State Hospitals," submitted a report in relation to the State Hospital at Sacramento City, which was read and adopted, and 500 copies ordered printed. (See Appendix.)

Mr. Van Buren, on leave, introduced a bill for "an Act to repeal the present Militia laws of the State, to designate the Militia Roll, and to provide for the election and prescribe the duties of a Quarter Master General," which was read the first and second time, and referred to the Committee on the Militia.

Mr. Miller, on leave, introduced a bill for "an Act to extend the time of the acting Treasurer of Mariposa County to make his returns," which was read a first and second time, considered as in Committee of the Whole, and reported back with an amendment: the amendment was concurred in by the Senate, and the bill read a third time and passed.

On motion of Mr. Wambough, the Senate went into consideration of Assembly bill for "an Act to divide the County of Colusi and define its boundaries;" and having agreed on amendments, it was referred to the Senators from Yolo, Sutter, Butte, Shasta, Trinity, Mendocino, and Sonoma.

Mr. Hubbs, from the Committee on Finance, to whom had been referred the bill for "an Act to fund the debt of the County of San Joaquin," reported the same back, and recommended its passage. The report was accepted and the bill laid on the table.

Mr. Wambough, on leave, introduced a bill for "an Act to regulate the mode of petitioning the Legislature in certain cases," which was read a first and second time, and referred to the Committee on Corporations.

Mr. Miller submitted a Resolution instructing the Committee on Indian Affairs to report back to the Senate forthwith, the Assembly bill for "an

Act authorizing the redemption (by bonds) of the warrants issued to the Mariposa volunteers."

Mr. Hubbs submitted a Resolution as a substitute, that the Committee on Indian Affairs be discharged from the further consideration of Assembly bill in relation to Mariposa volunteers. The substitute was adopted, whereupon Mr. Warner returned to the Senate the bill and accompanying documents, which were laid on the table.

Mr. Miller submitted a Resolution, which was adopted, requesting the Comptroller to furnish to the Senate all the papers now on file in his office, in relation to the Mariposa war.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act for the relief of E. Barry." Also, a bill for "an Act to extend the time of the Acting Treasurer of Mariposa County to make his revenue." The report was adopted.

Mr. Fry presented the claim of S. H. Dougherty for \$118.00 for Stationery, which was read and laid on the table.

A message was received from the Assembly, informing the Senate that they did, on Monday last, pass the following bills: "an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same;" a bill for "an Act to provide for the disposal of the 500,000 acres of land granted by the General Government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools;" Also, a bill for "an Act for the relief of M. C. Dougherty;" Also, a bill for "an Act to incorporate the town of Alyssa;" Also, a bill for "an Act to authorize the Comptroller of State to settle accounts of Tuolumne County;" Also, a bill for "an Act for the relief of Jacob C. Kane;" And a bill for "an Act to authorize and require Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans."

Assembly bill for "an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same," was then taken up, read a first and second time, and referred to Messrs. Keene and Watson, Senators from El Dorado.

Assembly bill for "an Act to provide for the disposal of the 500,000 acres of land granted by the General Government," was then read the first and second time, and referred to the Committee on Education.

Assembly bill for "an Act to authorize and require the Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans," was then read the first and second time, and referred to the Committee on Claims.

Assembly bill for "an Act to incorporate the town of Alyssa," was then read the first and second time, the rules suspended, it was read a third time and passed.

Assembly bill for "an Act for the relief of Jacob C. Kane," was read a first and second time, and referred to the Committee on Mining.

Assembly bill for "an Act to authorize the Comptroller of State to settle the accounts of Tuolumne County," was read a first and second time, and referred to the Committee on Claims, with instructions to report the items.

Assembly bill for "an Act for the relief of M. C. Dougherty," was read a first and second time, and referred to the Committee on Claims.

Mr. Ralston, on leave, introduced a bill for "an Act to provide for the

settlement of the Swamp Lands, and to encourage the improvement thereof," which was read a first and second time, and referred to the Committee on Public Lands.

Mr. Robinson gave notice that he would, at an early day, introduce a bill for an Act to prohibit the exercise of Banking privileges, and to prohibit the further issue of State, County, and Municipal Scrip or Warrants.

On motion of Mr. Van Buren, the Resolution laid on the table yesterday, fixing the day of adjournment, was taken up; and the motion to fill the blank with the "twenty-second March," was lost by the following vote:

## AYES.

Messrs. Hubbs,  
Keene,

Mr. Van Buren—3

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Fry,  
Lind,  
Lott,  
Miller,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walsh,  
Walton,  
Warner,  
Wambough—18.

Mr. Cooke moved to lay the Resolution on the table, which was decided in the negative by the following ayes and nays:

## AYES.

Messrs. Anderson,  
Cooke,  
Estill,  
Fry,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Walsh,  
Walton—14

## NAYS.

Messrs. Hubbs,  
Keene,  
Soule,

Messrs. Sprague,  
Van Buren,  
Warner.—6.

Mr. Robinson moved to amend the Resolution by striking out "Monday" and inserting "Saturday," the thirteenth, and the motion was decided in the negative by the following ayes and nays:



## AYES.

Messrs. Hubbs,  
Keene,  
Lind,  
Lott,  
Miller,

Messrs. Robinson,  
Sprague,  
Walton,  
Warner—9.

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Fry,  
Lewis,  
Ralston,

Messrs. Roach,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walsh—12.

Mr. Walsh moved to adjourn until Friday, the 12th inst., on which the ayes and nays were demanded, with the following result:

## AYES.

Messrs. Anderson,  
Fry,  
Hubbs,  
Lind,  
Lott,  
Miller,

Messrs. Ralston,  
Robinson,  
Sprague,  
Walsh,  
Walton,  
Warner—12.

## NAYS.

Messrs. Cooke,  
Estill,  
Keene,  
Lewis,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren—9.

And the Senate adjourned until Friday, at 11 o'clock.

B. FRANK KEENE,  
President of the Senate *pro tem.*

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, March 12, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem., in the chair.

The Journal of Wednesday last was read and approved.

Mr. Snyder, from the Committee on Claims, to whom had been referred the Assembly bill for "an Act for the relief of W. H. Endicott, under Sheriff of Nevada County, reported the same back and recommended its passage.

The report was adopted and the bill was then read a third time and passed.

Mr. Snyder, from the Committee on Claims, to whom had been referred Assembly bill for "an Act for the relief of John L. Smith, under Sheriff of Mariposa County," reported the same back and recommended its passage.

The report was adopted and the bill was read a third time and laid on the table.

Mr. Ralston, from the Committee on Corporations, to whom had been referred Assembly bill for "an Act supplemental to an Act entitled 'an Act to provide for the Incorporation of Railroad Companies,'" passed April 28th, 1851, reported the same back and recommended its passage.

The report was adopted and the bill read a third time and passed.

Mr. Lewis submitted a resolution, which was adopted, instructing the Judiciary Committee to report to the Senate in relation to the Assembly bill for "an Act respecting Fugitives from labor and Slaves brought to this State prior to her admission into the Union."

Mr. Snyder, from the Committee on Claims, to whom had been referred Senate bill for "an Act for the relief of C. C. Richmond," reported the same back and recommended its passage.

The report was adopted and the bill read a third time and passed.

Mr. Fry, from the Committee on Contingent Expenses, reported as correct the account of Grime and Grammond of \$71 75 for stationery for the use of the Senate; also, the account of R. H. Master, for boat hire to and from the Post Office.

The report was adopted and the accounts ordered paid.

Mr. Ralston submitted a resolution, which was adopted, instructing the Judiciary Committee to report to the Senate, on Monday next, the bill referred to them in relation to the prosecution of suits in certain cases by Executors and Administrators, without the payment of costs in advance; also, to report to the Senate, on the same day, Senate bill No. 62, in relation to Supervisors.

Senate "Joint Resolution in relation to Swamp Lands," was then taken from the table, read a third time and passed.

Mr. Wambough, on leave, introduced a bill for "an Act to prevent certain public nuisances," which was read a first and second time and referred to Committee on Corporations.

Mr. Robinson, agreeably to notice, introduced a bill for "an Act to prohibit the exercise of Banking privileges and the issue of Warrants or Scrip to circulate as money," which was read a first and second time and

referred to a Select Committee consisting of Messrs. Robinson, Sprague and Foster.

On motion of Mr. Hubbs, the Assembly "Joint Resolutions in regard to Volunteers informally enlisted in the United States service," was taken from the table, read a third time and passed.

A message was received from the Governor, accompanied by a letter from the Attorney-General, in relation to certain taxes on vessels, which were read and referred to a Select Committee of five, consisting of Messrs. Anderson, Tingley, Robinson, Snyder and Walsh.

A message was received from the Assembly, informing the Senate that they did on Wednesday last pass Senate bill for "an Act for the relief of W. J. Whitney."

Mr. Tingley submitted a resolution, which was adopted, requesting the Finance Committee to report a bill setting apart fifty cents on each poll tax collected for State purposes, to pay the interest due and accruing on the War Loan.

Mr. Snyder, on leave, introduced a bill for "an Act to authorize persons engaged in the United States Coast Survey upon the coast of California, to enter on lands within this State for the purposes of said survey, to protect the operations of same from injury and molestation: to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act and for other purposes," which was read a first and second time and referred to the Committee on Commerce and Navigation.

On motion of Mr. Van Buren, the Senate, as in Committee of the Whole, took under consideration the bill for "an Act to Fund the Debt of the County of San Joaquin;" and having considered the same, reported it back with amendments, which the Senate concurred in, and the bills were then read a third time and passed as amended.

On motion of Mr. Van Buren, the Senate, as in Committee of the Whole, took under consideration the bill for "an Act concerning Jurors," and having considered the same, reported it back with amendments, which were concurred in, when Mr. Van Buren moved to amend as follows:

"Section 33. From and after the passage of this Act neither Grand or "Trial Jurors shall receive from the County any pay or compensation whatever for their services as Jurors until otherwise provided for by law," on which the ayes and nays were demanded and resulted as follows:

#### AYES.

Messrs. Foster,  
Ralston,  
Roach,

Messrs. Tingley,  
Van Buren—5.

#### NAYS.

Messrs. Broderick,  
Estill,  
Fry,

Messrs. Miller,  
Robinson,  
Snyder,

Messrs. Hubbs,  
Keene,  
Lewis,  
Lind,  
Lott,

Messrs. Sprague,  
Walsh,  
Walton,  
Wambough—15.

So the amendment was lost.

Mr. Robinson gave notice that he should on to-morrow move a re-consideration of the vote just taken—when the further consideration of the bill was laid over until to-morrow.

(Mr. Sprague in the chair.)

A communication was received from the Comptroller in answer to a resolution relating to papers on file in his office, in relation to Mariposa war, which was read and laid over until to-morrow.

Mr. Hubbs submitted a resolution, which was adopted, authorizing the Sergeant-at-Arms to certify to the Comptroller of State the amount due to any person for articles furnished for the use of the Senate—when such amount shall have been allowed by the Committee on Contingent Expenses and approved by the Senate.

On motion, the Senate adjourned.

B. FRANK KEENE,  
President of the Senate pro tem.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

SATURDAY, March 13, 1852.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President pro tem. in the chair.

The Journal of Friday was read and approved.

Mr. Anderson from the Judiciary Committee, to whom was referred a bill for "an Act concerning the fees of Office," reported the same back, and recommended it to the favorable consideration of the Senate.

The report was accepted and the bill laid on the table.

Mr. Tingley, from the Judiciary Committee to whom was referred Senate bills for "an Act to authorize and enforce Mortgages on Personal Property," and for "an Act to authorize Landlords to distrain for rent, and to sell property distrained," reported them back, and recommended their indefinite postponement.

The report was accepted, and the bills laid on the table.

Mr. Keyser from the Committee on County Boundaries, to whom was referred Assembly bill for "an Act to establish the County of Siskayou, and



establish the Seat of Justice therein," reported the same back with amendments.

The report was adopted, and the bill subsequently considered by the Senate as in Committee of the Whole, reported back with amendments, which were concurred in, when the bill was amended, read a third time and passed.

Mr. Miller from the Committee on Elections, to whom was referred the bill for "an Act to divide the State into Congressional Districts," reported the same back, and recommended its passage.

The report was accepted, and the bill laid on the table.

On motion of Mr. Robinson, Mr. Tingley was added to the Select Committee, to whom was referred the bill to prevent the exercise of Banking privileges.

Mr. Sprague, from the Select Committee, to whom was referred the memorial of James L. Freaner, reported the same back, with a bill for "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to Oregon Line, and to regulate the tolls to be collected on the same," the report was accepted, and the bill read a first and second time, and laid on the table.

Mr. Snyder, on leave, introduced "a Preamble and Resolutions relative to Geological and Mineralogical survey by the United States," which were read a first and second time, and referred to a Select Committee, consisting of Messrs. Snyder, Walton and Foster.

The following message was received from the Governor:

#### EXECUTIVE DEPARTMENT.

Sacramento City, March 13, 1852.

*To the Senate and Assembly of the State of California:*

I have the honor herewith, to transmit a communication from the Hon. S. R. Harris, Mayor of the City of San Francisco, enclosing a certified copy of a resolution, adopted on the 11th inst., by the Common Council of said City, entitled "Joint Resolution extending hospitalities of the City to the Legislature."

JOHN BIGLER.

[COPY.]

MAYOR'S OFFICE,  
San Francisco, March, 12 1852.

*To his Excellency John Bigler,  
Governor of the State of California,*

DEAR SIR:

I beg leave to enclose to you the within Joint Resolution, passed by the Common Council of this City, tendering the hospitalities of the City of San Francisco to the Legislature, and I take great pleasure in having been selected by them, for the purpose of communicating the resolution to your Excellency, and request you to submit it to the consideration of that Honorable body.

Truly yours,

S. R. HARRIS, Mayor.

[COPY.]

JOINT RESOLUTION EXTENDING THE HOSPITALITIES OF THE CITY  
TO THE LEGISLATURE.

*Resolved*, That the hospitalities of the City of San Francisco be extended to the Legislature of the State of California, and that they be invited to adjourn to this City.

I hereby certify the above to be a true copy of an original Joint Resolution passed the Common Council, finally, March 11, 1852.

ROBERT C. PAGE,

*Clerk of the Common Council.*

SAN FRANCISCO, March 12, 1852.

On motion of Mr. Anderson, the message and communications were ordered to be entered upon the Journal, and the thanks of the Senate were extended to the Mayor and Common Council of the City of San Francisco, and the Secretary of the Senate was instructed to communicate the same.

A message was received from the Assembly, informing the Senate that they did on Wednesday last pass a bill to provide for "an Act to amend an Act entitled an Act to Incorporate the City of Sacramento."

The bill was read a first and second time and referred to the Senators from Sacramento, Messrs. Robinson and Ralston.

On motion of Mr. Anderson, the "Joint Resolution of instruction to our Senators in reference to the action of the United States Congress on Public Lands in this State, and the Treaties made by the United States Indian Commissioners with the Indians of this State," was taken from the table, and made the special order for Monday next.

On motion of Mr. Tingley, "Joint Resolution on the subject of Public Lands in California," and "Joint Resolution on the subject of the Mineral Lands in the State of California," were also made the special order for Monday next.

Mr. Tingley, agreeably to notice, introduced a bill for "an Act amendatory of an Act entitled an Act to regulate the settlement of Estates of deceased persons," passed May 1st, 1851," which was read a first and second time and referred to the Judiciary Committee.

Mr. Lind asked leave to withdraw the claims presented by him of certain individuals against the Quarter-master's Department. Granted.

Mr. Van Buren from the Committee on Commerce and Navigation, to whom was referred that portion of the Governor's Message relating to the establishment of a Branch Mint in this State, submitted a report and resolution on that subject, which were read; the report was accepted and one thousand copies ordered printed. (See Appendix 29.)

Mr. Tingley, on leave, introduced a bill for "an Act concerning Licenses," which was read a first and second time and referred to the Select Committee, to whom was referred the Governor's message relating to taxes on certain vessels, and

On motion of Mr. Tingley, Mr. Van Buren was added to that Committee.

A communication was received from the Comptroller of State, and therewith all the papers on file in his office relating to the Mariposa War.

On motion of Mr. Anderson, the communication and papers were laid on the table.

On motion of Mr. Fry, the claims of Thos. H. Borden for \$113; Gregory's Express for \$16 50; Adams' & Co. \$26; George Wilson \$24; and R. H. McDonald for \$7 25, were taken from the table, allowed, and ordered paid.

Mr. Robinson, on leave, introduced a bill for "an Act for the repeal of an Act entitled 'an Act to authorize the Court of Sessions of Sacramento County to borrow money,' " which was read first and second time, the rules suspended, it was then read a third time and passed.

Mr. Robinson, agreeably to notice given yesterday, moved to reconsider the vote taken on the amendment proposed to the bill for "an Act concerning Jurors," and the motion was carried.

Mr. Foster moved to amend as follows:

That at the commencement of each term, the District County Court of each County, shall fix the compensation for grand and petit jurors in criminal causes, tried during such term; said compensation not to exceed two dollars per day. On which the ayes and nays were demanded and resulted as follows:

#### AYES.

Messrs. Foster,  
Keyser,  
Ralston,  
Roach,

Messrs. Robinson,  
Tingley,  
Van Buren—7.

#### NAYS.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Miller,  
Sprague,  
Walsh,  
Warner,  
Wanbough—12.

So the amendment was lost.

Mr. Warner gave notice that he would, on Monday next, move to reconsider the vote just taken, and the further consideration of the bill was laid over until that day.

Mr. Anderson submitted a resolution authorizing the Judiciary Committee to obtain of the Clerk of the Assembly, a certified copy of a bill for "an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union," which was laid over until Monday next.

Mr. Tingley moved to make Assembly bill for "an Act recommending to the Electors to vote for or against calling a convention to revise and change the entire Constitution of this State," the special order for Tuesday next, which was decided in the affirmative by the following ayes and nays:

## AYES.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
Miller,  
Ralston,  
Roach,  
Robinson,  
Tingley,  
Wambough—14.

## NAYS.

Messrs. Lott,  
Sprague,  
Van Buren,

Messrs. Walsh,  
Warner—5.

Mr. Sprague, on leave, (Mr. Warner in the chair) introduced a bill for "an Act defining the Boundary of the County of Shasta and to amend the twenty-second section of "an Act entitled 'an Act dividing the State into Counties, and establishing Seats of Justice therein,' " passed April 25, 1851, which was read a first and second time, and referred to a committee composed of the Senators from Shasta, Yolo and Butte.

Mr. Keene gave notice that he would on Monday, or at an early day, introduce a bill providing for "procuring and distributing genuine Vaccine Virus throughout this State."

Mr. Van Buren gave notice that he would on Monday next move to expunge the twenty-seventh standing rule of the Senate.

Mr. Hubbs, on leave, introduced a bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," which was read a first and second time, and referred to the Committee on Commerce and Navigation.

On motion, the Senate adjourned.

B. FRANK KEENE,  
President of the Senate pro tem.

Attest:

A. C. BRADFORD, Secretary.

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 IN SENATE.

MONDAY, March 15, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

The journal of Saturday was read and approved.

Mr. Walton presented a petition from citizens of El Dorado County, praying the Legislature to pass a law to prohibit gambling, which was read and laid on the table.



Mr. Lind, from the Committee on the State Library, to whom was referred the bill for "an Act providing for a fund for the use of the State Library," reported a substitute for the same and also recommended its passage.

Also, reported a bill for "an Act to establish Law Libraries, for the use of the Supreme and District Courts."

The report was accepted and with the bills laid on the table.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred "an Act to establish pilot regulations for the Port of San Francisco," reported the same back, with amendments.

The report was accepted and laid on the table.

Mr. Ralston, from the Committee on Corporations, to whom was referred the petition of James Gallagher and others, reported the same back with a bill for "an Act to authorize James Gallagher and others, to build a toll bridge across the American River."

The report was accepted.

Mr. Hubbs, from the Committee on Commerce and Navigation, reported a substitute for the bill for "an Act to authorize persons engaged in the United States Coast Survey, upon the coast of California, to enter on lands within this State for the purposes of said Survey."

The report was accepted and laid on the table.

Mr. Hubbs, from the Committee on Commerce and Navigation, reported a substitute for the bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon."

The report was accepted and laid on the table.

On motion of Mr. Anderson, the consideration of the several joint resolutions, on the subject of the public domain, in California, and made the special order for this day, was laid over until to-morrow.

On motion of Mr. Tingley, the Bill for "an Act concerning Common Schools," was made the special order for Wednesday next.

Mr. Wambough, agreeably to notice, introduced a bill for "an Act to prohibit the fighting of wild or domestic animals," which was read a first and second time, and on motion of Mr. Tingley, referred to the Judiciary Committee, with instructions to incorporate its provisions in the criminal law.

Mr. Hubbs, on leave, introduced a bill for "an Act supplementary to an Act "to fund the debt of the State, passed April 29th, 1851," which was read a first and second time, and, on motion of Mr. Tingley, ordered engrossed for a third reading on to-morrow.

Mr. Van Buren, on leave, introduced a bill "to provide for the payment of the salaries of State Officers, monthly," which was read a first and second time, and, on motion of Mr. Robinson, referred to Committee on Finance.

Mr. Keene, pursuant to notice, introduced "an Act to provide for the obtainment, preservation, and distribution of vaccine matter," which was read a first and second time, considered, engrossed, read a third time and passed.

On motion of Mr. Cooke, the report of the Joint Committee, to confer with General Vallejo, in reference to the removal of the Capital from Vallejo, was taken up and made the special order for Saturday, 20th March.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as

correctly engrossed a bill for "an Act to fund the debt of the County of San Joaquin."

Also, a bill for "an Act for the repeal of an 'Act entitled an Act to authorize the Court of Sessions, of Sacramento County, to borrow money.'"

The report was adopted.

A message was received from the Assembly, informing the Senate that the Assembly had passed, on the 8th day of March, inst., a "joint resolution in regard to Mail Contracts."

The resolution was read a first and second time and referred, on motion of Mr. Ralston, to the Committee on Commerce and Navigation.

On motion of Mr. Fry, the Senate, as in Committee of the whole, took under consideration the bill for "an Act to suppress gambling," and having considered the same, reported it back with amendments, which were considered separately in Senate, and on the amendment to strike out the twelfth section, the ayes and nays were demanded, by Mr. Van Buren, and decided in the affirmative by the following vote :

# AYES.

Messrs. Anderson,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Miller,  
Ralston,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Wambough—14.

# NAYS.

Mr. Van Buren,

Mr. Warner—2.

Mr. Van Buren moved to amend by inserting for section fourteen, the following words :

"That one-third of the amount collected from fines and forfeitures shall be paid into the County Treasury of the County, wherein collected, to be used for County purposes, and the balance shall be paid to the County Treasurer, and by him into the State Treasury and be paid to the State Hospitals, in proportion to the number of patients in each."

On which the ayes and nays were demanded, by Mr. Van Buren, and resulted as follows :

# AYES.

Messrs. Anderson,  
Estill,  
Ralston,

Messrs. Soule,  
Van Buren,  
Warner—6.

NAYS.

Messrs. De la Guerra,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Messrs. Miller,  
Sprague,  
Tingley,  
Walton,  
Wambough—11.

And the motion was lost.

Mr. Sprague moved, as an amendment, to insert the following words as the fourteenth Section :

“ Section fourteen. All penalties incurred, and fines and forfeitures, imposed under this Act, shall be paid into the Treasuries of the Counties respectively, where the conviction is had.”

On which the ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Anderson,  
De la Guerra,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Ralston,  
Sprague,  
Tingley,  
Walton,  
Wambough—13.

NAYS.

Messrs. Miller,  
Soule,

Messrs. Van Buren,  
Warner—4.

Mr. Van Buren moved to amend by striking out “ 1853,” at the end of fifteenth Section, and insert “ 1860.”

Not agreed to.

The amendments to the bill were then severally agreed to, when, on motion of Mr. Tingley, it was ordered engrossed for a third reading.

The following message was received from the Assembly :

*Mr. President :*

I am instructed by the Assembly to present the accompanying resolution, and request the Senate to comply with the proposition therein contained.

B. McALPIN, Clerk.

## RESOLUTION.

*Resolved*, That the Senate be and are hereby requested to return to this House, Assembly bill entitled "an Act to amend an Act to Incorporate the City of Sacramento," passed on Wednesday last, 10th March, in order that a motion to reconsider the vote by which it passed, may be made.

Adopted, 15th March, 1852.

B. McALPIN, Clerk.

On motion of Mr. Van Buren, the Secretary of the Senate was instructed to return the bill to the Assembly in compliance with this request.

Mr. Walton presented the claim of W. F. McLean, for \$1427 00, which was referred to the Committee on Claims.

Mr. De la Guerra, on leave, introduced a bill for "an Act to amend the fourth Section of 'an Act dividing the State into Counties and establishing the Seats of Justice therein,'" passed April 25th, 1851, which was read a first and second time and referred to a Select Committee, consisting of the Committee on County Boundaries and Messrs. De la Guerra and Roach.

Mr. Warner, agreeably to notice given on Saturday, moved to re-consider the vote taken on the amendment to the bill for "an Act concerning Jurors."

Mr. Sprague moved to adjourn, which motion was lost by the following ayes and nays:

## AYES.

Messrs. Estill,  
Lott,  
Miller,

Messrs. Sprague,  
Walton—5.

## NAYS.

Messrs. Anderson,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. Ralston,  
Soule,  
Tingley,  
Van Buren,  
Warner—11.

Mr. Miller moved a call of the Senate. Not agreed to.

The question was then taken on the motion to re-consider the vote of Saturday, and decided in the affirmative by the following ayes and nays:

## AYES.

Messrs. Cooke,  
Foster,  
Fry,  
Hubbs,  
Miller,  
Ralston,

Messrs. Soule,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—12.



## NAYS.

Messrs. Anderson,  
Estill,  
Lewis,

Messrs. Lott,  
Sprague—5.

The question then recurring on the passage of the amendment, it was decided in the negative by the following ayes and nays :

## AYES.

Messrs. Cooke,  
Foster,  
Ralston,

Messrs. Tingley,  
Van Buren,  
Warner—6.

## NAYS.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Soule,  
Sprague,  
Walton,  
Wambough—12.

The bill, then, on motion, was ordered engrossed for a third reading.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act to Fund the Debt of the County of San Joaquin;" also, a bill for "an Act for the relief of C. C. Richmond;" and also, a "Joint Resolution in relation to Swamp Lands."

The report was adopted.

Mr. Keene, from the Committee on Contingent Expenses, reported as correct, the claim of George Wilson for \$12 00.

The report was accepted and the bill ordered paid.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, March 16, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

The journal of Monday was read and approved.

Mr. Fry, from the Committee on Militia, to whom was referred Assembly bill for "an Act for the relief of Jacob C. Kore," reported the same back, and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Hubbs, from the Committee on Finance, to whom was referred the bill for "an act to provide for the payment of the salaries of State Officers monthly," reported back the same, and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Cooke, from the Committee on the Judiciary, submitted the following report, which was accepted and laid on the table:

The Judiciary Committee have had under consideration the following bills, and have instructed me to report: "an Act respecting Fugitives from labor, and Slaves brought into this State prior to her admission into the Union," back, for the consideration of the Senate, as the Committee could not agree on a report on the same. Also, "an Act to appoint a Commissioner to codify the laws of this State," and recommend the indefinite postponement of the same. Also, "an Act to authorize the prosecution of suits in certain cases, by executors and administrators, without the payment of costs in advance, and to repeal an Act entitled 'an Act concerning the fees of public administrators,' passed April 28, 1851," recommend that the second section be struck out, the title amended to correspond, and the bill be passed. Also, the bill for "an Act to provide for the enumeration of the inhabitants of the State of California," and also recommend that the same be indefinitely postponed.

Mr. Lind gave notice that, on to-morrow or some subsequent day, he would introduce a bill for "an Act to fund the debt of the County of Calaveras, and provide for the payment of the same."

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred Assembly "Joint Resolution in regard to Mail Contracts," reported the same back, and recommended its passage. The report was accepted, and the resolution laid on the table.

Mr. Foster, from the Committee on Agriculture, to whom had been referred the bill for "an Act to provide for the establishment and regulations of Agricultural Societies in this State," reported the same back, and recommend that it be indefinitely postponed. The report was adopted, and the bill indefinitely postponed.

Mr. Hubbs, from the Finance Committee, to whom was referred the bill for "an Act further to define the duties of County Treasurers," reported the same back, and recommended that it be passed. The report was adopted, and the bill, on motion of Mr. Van Buren, was read a third time and passed.

Mr. Hubbs, from the Joint Committee on Enrolled Bills, reported, as correctly enrolled, a bill for "an Act for the relief of W. J. Whitney," and the report was adopted.

Mr. Tingley, from the Judiciary Committee, to whom was referred "an Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons," passed May 1st, 1851, reported the same back with an amendment, and recommended that it be passed. The report was accepted, and the bill laid on the table.

Mr. Tingley, from a majority of the Select Committee, to whom was referred a bill for "an Act to enforce contracts and obligations to perform work and labor," reported the same back with amendments, and recommended its passage. The report was accepted, and with the bill laid on the table.

Mr. Sprague, from the Select Committee, to whom was referred the bill for "an act to divide the County of Colusi, and define its boundaries," reported the same back, and recommended its indefinite postponement. The report was adopted, and the bill indefinitely postponed.

Mr. Cooke, from the Judiciary Committee, to whom was referred the bill for "an Act for the government of Indians," reported as a substitute, a bill for "an Act amendatory of an Act entitled 'an Act for the government and protection of Indians,' passed April 22d, 1850," and recommended its passage. The report was accepted, and on motion of Mr. Warner, made the special order of the day for Monday next.

Mr. Sprague, from the Special Committee, to whom was referred the bill for "an Act defining the boundaries of the County of Shasta, and to amend the 22d section of an Act entitled 'an Act dividing the State into Counties and establishing seats of Justice therein,' passed April 25th, 1851," reported the same back, and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Foster, from the Committee on Contingent Expenses, presented the account of D. Murray for \$180 00, which was allowed, and on motion of Mr. Keene, ordered paid.

A message was received from the Governor, transmitting a communication from P. Dunlap, Esq., Clerk of the County of Sacramento, enclosing an order adopted by the Court of Sessions of said County, on the 2d day of March A. D. 1852, tendering to the State of California the use of the building now occupied as the State House in Sacramento City, for the use of the Legislature during the next session; and also, the use of five of the rooms in said building, during the recess, free of charge. On motion of Mr. Cooke, the message and communication were laid on the table.

Mr. Cooke, on leave, introduced a bill for "an Act amendatory of 'an Act concerning Coroners,' passed April 19th, 1850," which was read a first and second time and laid on the table.

On motion of Mr. Hubbs, the bill for "an Act to prohibit the erection of weirs or other obstructions to the run of Salmon," was taken under consideration, and a substitute adopted, which was then read a first and second time, the rules suspended, when it was read a third time, and passed.

On motion of Mr. Van Buren, the bill for "an Act respecting Fugitives from Labor and Slaves brought to this State prior to its admission into the Union," was made the special order of the day for Saturday next.

Mr. Van Buren, on leave, introduced a bill for "an Act concerning the salaries of officers and pay of Members of the Legislature," which was read a first and second time, and on motion of Mr. Anderson, referred to the Judiciary Committee.

Mr. Robinson submitted a concurrent resolution, which was adopted, providing that out of the \$2500 appropriated for the contingent expenses of the Legislature, \$1100 be placed at the disposition of the Senate, and \$1400 at the disposition of the Assembly.

On motion of Mr. Soule, the bill for "an Act for the relief of J. D. Carr," was taken from the table, considered and amended, when it was read a third time and passed.

The bill reported yesterday by the Committee on Corporations, for "an Act to authorize James Gallagher and others to build a toll bridge across the American River," was read a first and second time, and on motion, referred to the Committee on Corporations.

On motion of Mr. Anderson, the "Joint Resolutions in relation to the Public Domain, Mineral Lands, &c.," made the special order of this day, were taken up and considered as in Committee of the Whole, and after some progress made thereon, the Committee rose and asked leave to sit again, which was granted.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

WEDNESDAY, March 17, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The journal of Tuesday was read and approved.

Mr. Fry, from the Committee on Militia, to whom was referred Assembly bill for "an Act concerning the organization of the Militia," reported the same back with amendments and recommended its passage.

The report accepted and the bill laid on the table.

Mr. Ralston presented a petition from citizens of Sacramento City, praying the Senate to pass Assembly bill for "an Act to reduce the salaries of the Municipal Officers of that city," which was read, and on motion of Mr. Ralston, laid on the table.

A message was received from the Governor, informing the Senate that he did on yesterday approve "an Act for the relief of W. J. Whitney for furnishing the Capitol, and stationery."

A message was received from the Assembly, informing the Senate that they did, on the 15th instant, concur in the amendments made by the Senate to Assembly bill for "an Act to establish the County of Siskiyou;" also, that they did on the same day pass Senate bill for "an Act to provide for the payment of the salary of the Quartermaster-General of the State of California."



And a bill for "an Act to amend the twentieth Section of 'an Act concerning Coroners,'" passed April 19th, 1850. a bill for "an Act for the relief of Lyman Leslie;" a bill for "an Act for the relief of J. K. Shafer;" a bill for "an Act to provide for the ordering of a Special Election in the County of Trinity."

And that the Assembly did on yesterday pass Senate bill for "an Act for the relief of Tobin and Duncan;" also, a bill for "an Act to amend 'an Act to regulate Rodeos,'" approved April 30th, 1851; a bill for "an Act for the relief of Soule and Page, J. Hammond, and Lovett and Company," with amendments thereto; and Senate "Joint Resolution in relation to Swamp Lands."

Assembly bill for "an Act to amend the twentieth Section of 'an Act concerning Coroners,'" passed April 19th, 1850, was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Judiciary Committee.

Assembly bill for "an Act for the relief of Lyman Leslie," was read a first and second time, and, on motion of Mr. Cooke, referred to the Committee on Claims.

Assembly bill for "an Act for the relief of J. K. Shafer," was read a first and second time, and, on motion of Mr. Cooke, referred to the Committee on Claims.

Assembly bill for "an Act to provide for ordering a Special Election in the County of Trinity," was read a first and second time, and, on motion of Mr. Cooke, referred to the Committee on Elections.

Mr. Van Buren, from the Committee on Mines and Mining Interests, to whom was referred the bill for "an Act to provide for the protection of Foreigners and to define their liabilities and privileges," reported the same back and recommended that it be indefinitely postponed.

The report was accepted, and, on motion of Mr. Walton, the bill laid on the table.

On motion of Mr. Anderson, the Committee on Public Lands were discharged from the consideration of the bill for "an Act to provide for the settlement of the Swamp Lands and to encourage the improvement thereof," and the same was referred to the Select Committee on Swamp Lands, and Mr. Ralston was added to that Committee.

Mr. Lott submitted a resolution, which was adopted, requesting the Governor to transmit to the Senate such correspondence as may have come to him through our Delegation in Congress, in relation to the exemption from taxation of certain United States property in this State.

Mr. Roach presented a communication from the Mayor of the City of Monterey, enclosing a copy of a resolution passed by the Common Council, authorizing the members of the Senate and Assembly from that District to tender for the use of the State certain property in case of the permanent or temporary location of the Seat of Government at Monterey.

On motion of Mr. Lott, the communication was accepted, and the Secretary of the Senate was instructed to tender the thanks of the Senate to the authorities of the City of Monterey, which the Secretary of the Senate was directed to communicate.

The bill for "an Act for the relief of Soule and Page, J. Hammond, and Lovett and Company," as amended by the Assembly, was then taken up, the amendments concurred in, and the bill, as amended, passed.

The Senate then, as in Committee of the Whole, took under consideration the bill for "an Act supplementary to 'an Act to Fund the Debt of the State,'" passed April 29th, 1851, and having considered the same, reported it back without amendment, when the bill was read a third time and passed.

Mr. Snyder, from the Select Committee to whom was referred the bill for "an Act to authorize the Governor of this State to issue Land Warrants to actual settlers on Swamp Lands," reported the same back with amendments.

The report was accepted and the bill laid on the table.

Mr. Miller asked leave to withdraw Assembly bill for "an Act for the relief of John L. Smith, under Sheriff of Mariposa County," which was granted.

Mr. Roach, on leave, introduced a bill for "an Act to authorize married women to transact business in their own name as sole traders," which was read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Anderson, the Senate, as in Committee of the Whole, took under consideration the memorial and joint resolutions in relation to the Public Domain, Mineral Lands and Treaties made by the United States Indian Commissioners with the Indians of this State, made the special order for this day; and having made some further progress thereon, rose and asked leave to sit again, which was granted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act for the relief of Jesse D. Carr;" also, a bill for "an Act further to define the duties of County Treasurers," and also a bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon."

The report was adopted.

Mr. Ralston, from the Select Committee to whom was referred Assembly bill for "an Act to amend an Act entitled 'an Act to Incorporate the City of Sacramento,'" reported to the Senate a bill as a substitute for the same and recommended its passage.

The report was accepted.

A message was received from the Governor, transmitting to the Senate such correspondence as had been received by him from our Delegation in Congress, in relation to the exemption from taxation of certain United States property in this State, which was read, and, on motion of Mr. Anderson, referred to the Committee on Public Lands. (See appendix 30.)

On motion of Mr. Van Buren, the Senate took a recess until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate re-assembled—(President in the chair)—and, as in Committee of the Whole, again took under consideration the memorial and joint resolutions in relation to the Public Domain, Mineral Lands and the Treaties made by the United States Indian Commissioners with the Indians of this State, and having considered the same, rose and reported them back to the Senate with amendments.

Mr. Ralston, thereupon, moved to adjourn, which was decided in the negative by the following vote :

## AYES.

Messrs. Fry,  
Lott,  
Ralston,

Messrs. Warner,  
Wambough—5.

## NAYS.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Roach,

Messrs. Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton—15.

Mr. Ralston moved to strike out the third resolution, which was decided in the negative by the following ayes and nays :

## AYES.

Messrs. Cooke,  
Fry,  
Ralston,  
Sprague,

Messrs. Van Buren,  
Warner,  
Wambough—7.

## NAYS.

Messrs. Anderson,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lott,

Messrs. Roach,  
Snyder,  
Soule,  
Tingley,  
Walsh,  
Walton—13.

Mr. Keene moved to adjourn, which was not agreed to.

Mr. Sprague moved to strike out the second resolution—and pending the consideration of this motion, the Senate, on motion of Mr. Anderson, adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, March 18, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

A message was received from the Governor, transmitting a communication from his Excellency, George F. Fort, Governor of the State of New Jersey, enclosing a certified copy of a preamble and resolutions, approving the measures adopted by the last Congress, known as the "Compromise Measures," which were passed by the Legislature of that State, on the 30th day of January, A. D., 1852. The resolutions were read, and

On motion of Mr. Van Buren, laid on the table.

A series of resolutions were thereupon introduced by Mr. Van Buren, in reference to the "Compromise Measures" of the last Congress, which were read, and

On motion of Mr. Lott, the same, together with the resolutions from the Legislature of New Jersey, were referred to a select committee of seven. The chair announced as that committee—Messrs. Van Buren, Hubbs, Lott, Roach, Lewis, Keyser and Robinson.

Mr. Hubbs gave notice that he would on to-morrow move to amend the thirty-third standing rule of this Senate, by striking out the figure "11," and inserting in lieu thereof the figure "10."

On motion of Mr. Van Buren, the bill for "an Act concerning Jurors," was taken up, read a third time and passed.

On motion of Mr. Hubbs, the substitute for a bill for "an Act to authorize persons engaged in the United States Coast Survey, upon the Coast of California, to enter on lands within this State for the purposes of said survey, to protect the operations of the same from injury and molestation, to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against this Act and for other purposes," was taken from the table, and with the above title adopted, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Lott, from the Committee on Claims, reported a bill, for "an Act for the relief of T. J. Green," which was read a first and second time, the rules suspended, it was then read a third time and passed.

On motion of Mr. Anderson, the Senate again took under consideration the memorial and joint resolutions in relation to the Public Domain, Mineral Lands, and the Treaties made by the United States Indian Commissioners with the Indians of this State.

Mr. Warner moved to amend, by striking out the 1st, 2d, 3d, 4th and 5th resolutions, and in lieu thereof insert the following words:

*"Resolved, That our Senators in Congress are instructed, and our Representatives requested to use their influence and exertions to procure by the act of the General Government, the removal of all the Indians from the Territory embraced within the jurisdiction of this State at the earliest practicable moment."*

The amendment was not agreed to.



Mr. Tingley moved the adoption of the memorial and resolutions, which was decided in the affirmative by the following ayes and nays:

## AYES.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lind,  
Lott,  
Miller,  
Ralston,

Messrs. Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walsh,  
Walton,  
Wambough—19.

## NAYS.

Messrs. De la Guerra,  
Lind,

Messrs. Robinson,  
Warner—4.

Mr. Walton, from the majority of the Committee on Mines and Mining Interests, to whom had been referred the bill for "an Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges," submitted a report favorable to the bill, which was accepted, and the bill made the special order of the day for Wednesday next.

Mr. Lott, on leave, introduced a bill for "an Act for the Distribution of the Laws for 1851," which was read a first and second time, the rules suspended, it was then read a third time and passed.

On motion of Mr. Cooke, the Senate as in Committee of the Whole, took under consideration the bill for "an Act concerning Common Schools," and having made some progress thereon, rose, and reported the same back to the Senate, and recommended that it be recommitted to the Committee on Education, which was agreed to.

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act for the relief of Thomas J. Green."

Also a bill for "an Act to Suppress Gambling."

Also a bill for "an Act concerning Jurors."

And also a bill for "an Act supplementary to 'an Act to Fund the debt of the State.'" Passed April 29, 1851. And the report was adopted.

Mr. Lott presented the claim of Voorhies and Grant for \$575 76, and moved its reference to a select committee, consisting of Messrs. Ralston and Robinson, which was agreed to.

A message was received from the Governor, informing the Senate that he had this day approved "an Act for the relief of Tobin & Duncan."

On motion of Mr. Van Buren, the bill for "an Act prescribing the time of payment of Salaries of the Officers of State," was taken from the table, read a third time and passed.

On motion of Mr. Sprague, the bill for "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to Oregon Line, and to regulate the Tolls to be collected on the same," was taken from the table, and pending the consideration thereof,

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, March 19, 1852.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Benton.

The Journal of Thursday, was read and approved.

Mr. Cooke, from the Committee on the Judiciary, to whom was referred "an Act to prohibit the fighting of wild or domestic animals," reported the same back and recommended that it be indefinitely postponed.

Also, "an Act to authorize married women to transact business in their own name, as sole traders," with a recommendation that the same be passed.

Also, "an Act concerning the salaries of officers and pay of members of the Legislature," with amendments.

Also, Assembly bill for "an Act to amend the twentieth Section of an Act concerning Coroners," passed April 19, 1850, with amendments.

And recommended the indefinite postponement of Senate bill for "an Act concerning Coroners."

The report was accepted, and, with the bills, laid on the table.

A message was received from the Governor, informing the Senate that he had this day approved "an Act to provide for the payment of the salary of the Quarter-Master General of the State of California."

Mr. Hubbs, agreeably to notice, given yesterday, moved to amend the thirty-third standing rule of the Senate, by striking out the figure "11," and inserting in lieu thereof, the figure "10," which was decided in the negative by the following ayes and nays:

## AYES.

Messrs. Hubbs,  
Keene,  
Miller,  
Robinson,  
Snyder,

Messrs. Sprague,  
Van Buren,  
Warner,  
Wambough—!).

## NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Fry,

Messrs. Lewis,  
Lind,  
Lott,  
Ralston,  
Roach,  
Tingley,  
Walton—14.

On motion of Mr. Anderson, leave of absence was granted to Mr. Walsh for six days.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, a bill for "an Act concerning the County Recorder, of Santa Barbara County."

Also, "an Act to establish the County of Siskiyou, and establish the Seat of Justice therein."

Also, "a concurrent resolution to stop the pay of Judges, while absent, on leave from the State."

Also, a bill for "an Act supplementary to an Act to incorporate the city of Santa Barbara," passed April 9, 1850.

Also, a bill for "an Act for the relief of William H. Endicott, under Sheriff of Nevada County."

Also, "an Act supplemental to an Act entitled an Act to provide for the incorporation of Rail Road Companies," passed April 28, 1851.

Also, a bill for "an Act for the relief of J. P. Wyatt."

Also, a bill for "an Act to provide for the payment of Drury P. Baldwin and Thomas J. Green, for expense incurred in laying off the Public Grounds in the city of Vallejo."

Also, a bill for "an Act to provide for the payment of the salary of the Quarter-master General, of the State of California," and

Also, "an Act for the relief of Tobin and Duncan."

The report was adopted.

Mr. Fry moved to take up the bill for "an Act to suppress Gambling," on which the ayes and nays were demanded, by Mr. Van Buren, and decided in the affirmative by the following vote:

#### AYES.

Messrs. Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Ralston,  
Robinson,  
Sprague,  
Tingley,  
Walton,  
Warner—12.

#### NAYS.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Estill,

Messrs. Foster,  
Miller,  
Van Buren,  
Wambough—8.

The bill was then taken up, read a third time, and thereupon Mr. Miller moved a call of the Senate, which was sustained, and on the roll being called, the following Senators were absent:

Messrs. Cooke, Lind, Lott, and McKibben.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Mr. Cooke, Lind, and Lott, appeared and took their seats.

On motion of Mr. Broderick, further proceedings under the call were dispensed with.

Mr. Broderick moved to postpone the further consideration of the bill until 3 o'clock, P. M.

Agreed to.

On motion of Mr. Warner, leave of absence was granted to Mr. De la Guerra, after to-morrow.

On motion of Mr. Sprague, the bill for "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to the Oregon line, and to regulate the tolls to be collected on the same," was taken up, ordered printed, and made the special order of the day for Monday next, the 22d inst.

Mr. Anderson, from the Committee on Public Lands, to whom was referred a bill for "an Act prescribing the mode of maintaining and defending possessory actions on public lands, within this State," reported the same back and recommended its passage.

The report was accepted, and the bill made the special order of the day for Thursday next, the 25th inst.

On motion of Mr. Miller, the bill for "an Act directing the State Treasurer to redeem Warrants, issued to Mariposa Volunteers, in twelve per cent. bonds," was taken from the table and made the special order of the day, for Thursday next, the 23d inst.

On motion of Mr. Cooke, the bill for "an Act to authorize married women to transact business in their own name, as sole traders," was taken up, read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded with the following result:

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner,  
Wambough—19.

## NAYS.

Messrs. Fry,  
Lewis,  
Lind,

Messrs. Sprague,  
Walton—5.

So the bill was passed.

The bill for "an Act to suppress Gambling," was again taken up, read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded, by Messrs. Fry and Van Buren, and resulted as follows:

## AYES.

Messrs. Anderson,  
Fry,  
Hubbs,  
23

Messrs. Snyder,  
Sprague,  
Tingley,



Messrs. Keene,  
Lewis,  
Lott,  
Ralston,

Messrs. Van Buren,  
Walton,  
Warner,  
Wambough—14.

NAYS.

Messrs. Broderick,  
Cooke,  
De la Guerra,  
Estill,  
Foster,  
Keyser,

Messrs. Lind,  
Miller,  
Roach,  
Robinson,  
Soule—11.

And the bill was passed.

Mr. Van Buren gave notice that he would, on to-morrow, move to re-consider the vote just taken, he having voted in the affirmative for that purpose.

A message was received from the Assembly, informing the Senate that they had this day passed a bill for "an Act to repeal the second Section of an Act in relation to the city of San Francisco," passed May 1st, 1851.

The bill was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Commerce and Navigation.

Mr. Van Buren moved to adjourn. Not agreed to.

Mr. Cooke submitted the following resolution, which was adopted :

*Resolved*, That the Secretary of the Senate be and he is hereby required forthwith to issue subpoenas to A. C. Peachy, J. L. Folsom, W. D. M. Howard, J. C. Palmer, George Hyde, T. M. Leavenworth, Jonathan D. Stevenson, F. F. Teschmaker, James D. Blair, A. J. Ellis, and Samuel Gallagher, requiring said persons to appear, as witnesses, at the bar of the Senate, on Thursday next, the 25th day of March, at 12 o'clock, M.

On motion of Mr. Lott, Messrs. Broderick, Soule, and Snyder, were added to the Committee on Commerce and Navigation.

On motion the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, March 20, 1852.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Snyder from the Committee on Claims, to whom was referred the claim of Taaffe and McCahill, reported a bill for "an Act for the relief of Taaffe and McCahill."

The report was accepted.

Mr. Lott from the Committee on Claims, to whom was referred the claim of Messrs. Cook and Lecount, reported a bill for "an Act for the relief of Cook and Lecount."

The report was accepted.

Mr. Lott from the Committee on Claims, to whom was referred Assembly bill for "an Act to authorize and require Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans," reported the same back with amendments.

The report was accepted.

Mr. Lott from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of James L. Bolen," reported the same back with amendments, and recommended its passage.

The report was accepted.

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act to authorize Married Women to transact business in their own name as Sole Traders."

Also "a Joint Resolution of instruction to our Senators in reference to the action of the United States Congress on Public Lands in this State, and the Treaties made with the Indians of this State."

"An Act for the Distribution of the Laws of 1851."

"An act prescribing the time of payment of Salaries of the Officers of this State."

And "an Act to authorize persons engaged in the United States Coast Survey upon the Coast of California, to enter on lands within this State for the purposes of said survey, to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes."

Mr. Ralston from the Committee on Corporations, to whom was referred the bill for "an Act to prevent certain Public Nuisances," reported the same back with amendments, and recommended its passage.

The report was accepted.

Mr. Hubbs from the Committee on Commerce and Navigation, to whom was referred Assembly bill for "an Act to repeal the second section of an Act entitled 'an Act in relation to the City of San Francisco,'" passed May 1st, 1851; reported the same back, and recommended its passage.

On motion of Mr. Van Buren, the report was accepted, and the bill laid on the table.

Mr. Van Buren, agreeable to notice given yesterday, moved to reconsider the vote taken yesterday on the passage of the bill for "an Act to Suppress Gambling," on which the ayes and nays were demanded, and resulted as follows:

## AYES.

Messrs. Broderick,

Cooke,

De la Guerra,

Estill,

Foster,

Keyser,

Lewis,

Lind,

Messrs. McKibben,

Miller,

Roach,

Robinson,

Soule,

Van Buren,

Warner—15.

## NAYS.

Messrs. Anderson,

Fry,

Hubbs,

Keene,

Lott,

Messrs. Ralston,

Sprague,

Tingley,

Walton—9.

So the vote on the bill was reconsidered.

Mr. Robinson, thereupon, moved that further consideration of the bill be postponed until Tuesday next, the 23d instant, at 12 o'clock, M., and that the question shall then be taken on the final passage without debate.

Adopted.

Mr. Warner submitted a concurrent resolution, which was passed, appointing a committee of three members from each branch of the Legislature, with power to send for persons and papers, to examine into the conduct of the Enrolling Committee of the Legislature of 1851, in reference to alteration, either by design, negligence, or from any other cause, having been made by that Committee, of Bills, while in possession of that Committee. The chair appointed as such committee on the part of the Senate, Messrs. Lewis, McKibben and Miller.

Leave of absence was granted to Mr. Tingley, until Tuesday next, at his request.

On motion of Mr. Ralston, leave of absence was granted to Mr. Wambough.

Mr. Roach asked to be excused from serving further on the Committee on Enrolled Bills. Granted.

Mr. Hubbs also asked to be excused from serving further on the Committee on Enrolled Bills. Granted.

And on motion of Mr. Estill, Mr. McKibben was appointed chairman of said committee.

A message was received from the Assembly, informing the Senate that they did on yesterday pass a bill for "an Act to provide for the obtaining, preservation and distribution of vaccine matter;"

Also, that they had passed with amendments, Senate bill for "an Act for the relief of C. H. Veeder ;"

Also, that they did on the 19th instant, pass a bill for "an Act to enforce the observance of contracts made without this State for the performance of labor within the limits thereof ;"

Also, that they had passed Senate bill for "an Act to repeal an Act entitled an Act to authorize the Court of Sessions of Sacramento County to borrow money ;"

Also, that they had passed "an Act amendatory of the 25th section of an Act entitled an Act dividing the State into Counties and establishing the seats of justice therein," passed April 25th, 1851.

Assembly bill for "an Act to enforce the observance of contracts made without this State for the performance of labor within the limits thereof," was then read the first and second time, and

On motion of Mr. Robinson, referred to the Judiciary Committee.

Assembly bill for "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties and establishing the seats of justice therein," passed April 25th, 1851, was then read a first and second time, and

On motion of Mr. Cooke, it was referred to Messrs. Estill, Sprague and Cooke.

The Senate bill for "an Act for the relief of C. H. Veeder," as amended by the Assembly was then taken up, and the Senate refused to concur in the amendments by the following ayes and nays :

#### AYES.

Messrs. Cooke,  
Estill,  
Hubbs,

Messrs. Miller,  
Soule,  
Sprague—6.

#### NAYS.

Messrs. Anderson,  
Keene,  
Keyser,  
Lott,  
McKibben,  
Ralston,

Messrs. Roach,  
Robinson,  
Van Buren,  
Walton,  
Warner—11.

Mr. Keyser, on leave, introduced a bill for "an Act to apportion the debt of Sutter County between Sutter and Placer Counties," which was read a first and second time, and referred to Messrs. Keyser and Fry.

On motion of Mr. Lott, the bill for "an Act to divide the State into Congressional Districts," was taken from the table and made the special order for Thursday next, the 25th instant.

Assembly bill for "an Act to repeal the second section of an Act entitled an Act in relation to the City of San Francisco," passed May 1st, 1851, was taken from the table ; and, thereupon, Mr. Van Buren from the Committee on Commerce and Navigation, to whom was referred a bill for 'an



Act to repeal an Act entitled "an Act to relate to the City of San Francisco."

Also, "an Act to repeal an Act entitled 'an Act to provide for the disposition of certain property of the State of California,'" which, reported the same back to the Senate, with the testimony taken before the Committee in various hearings.

Mr. Houston then offered the following as a substitute:

Amended by striking out all after the enacting clause and insert the following as a substitute:

Sec. 1. The Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 27th, 1861, and an Act entitled an Act to relate to the City of San Francisco, passed May 1st, 1861, be, and the same are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Mr. Miller submitted the following as an amendment to the substitute.

"Provided, That the repeal of said Acts be not operative in any manner which, in effect, may infringe on private rights which may have been created under the provisions of said Acts," which was adopted.

The substitute was then laid upon the table, and made the special order for Thursday. This measure by the following vote:

AYES.

Mr. A. A. Phelps,  
Mr. C. C. Phelps,  
Mr. J. C. Phelps,  
Mr. J. C. Phelps,  
Mr. J. C. Phelps.

Mr. Miller,  
Mr. C. C. Phelps,  
Mr. J. C. Phelps,  
Mr. J. C. Phelps,  
Mr. J. C. Phelps.

NOES.

Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps.

Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps,  
Mr. C. C. Phelps.

On motion, the Senate adjourned.

SENATE JOURNAL.

President of the Senate.

James  
C. C. Phelps, Secretary.

## IN SENATE.

MONDAY, March 22, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday was read and approved.

Mr. Ralston presented petitions from citizens of Sacramento, for and against the bill reducing the salaries of Municipal Officers of that city.

Mr. Hubbs submitted a resolution, which was adopted, requesting the Governor to transmit to the Senate a statement of the number and description of arms belonging to the State.

Mr. Ralston gave notice that he would, on to-morrow, introduce a bill for an Act to legalize the acts of County Recorders.

A message was received from the Assembly, informing the Senate that they did, on Saturday last, pass a Joint Resolution for the relief of the Translator of the Laws of California.

The Joint Resolution was then read a first and second time, and referred to the Committee on the translation of Laws, &c.

Assembly bill for "an Act recommending the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," was taken from the table and made the special order for Friday next, the 26th inst.

Mr. Fry moved to re-consider the vote of Saturday, by which the several bills repealing the Water Lot bills were made the special order for Thursday next. Not agreed to.

Mr. Hubbs submitted a resolution, which was adopted, that the Senate do now proceed to take the testimony of Jesse D. Carr, in relation to the passage of an Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851; and also, in relation to "an Act in relation to the City of San Francisco."

On motion of Mr. Ralston, Assembly bill for "an Act to amend an Act entitled 'an Act to incorporate the City of Sacramento,'" was taken from the table, a substitute adopted, which was read a third time, and passed.

On motion of Mr. Hubbs, the Secretary was ordered to issue a subpoena directed to J. D. Carr, commanding him to appear forthwith before the Bar of the Senate, as a witness.

On motion of Mr. Warner, the bill for "an Act to provide for the settlement of Claims against the State for and on account of expenses incurred in the suppression of Indian hostilities," was taken from the table and made the special order for to-morrow, together with Assembly bill to fund the Mariposa war debt with 12 per cent. bonds.

A message was received from the Governor, informing the Senate that he had this day approved "an Act for the relief of Soule & Page, J. Hammond, and Lovett & Co."

Mr. Lott called up Assembly bill for "an Act to authorize and require Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans."

Mr. Van Buren moved to lay the bill on the table. Agreed to.

Mr. Van Buren moved a call of the Senate.

Not agreed to.

Mr. J. D. Carr appeared, was sworn by the President, and gave his testimony, which was reduced to writing.

Mr. Broderick gave notice that he would move to summon Gen. Thomas J. Green before the Senate, as a witness, on to-morrow.

Mr. Estill presented the petition of the volunteers of Trinity County, asking for an adequate compensation for services in a campaign against the Indians, in 1851, and moved its reference to the Committee on Indian Affairs, which was agreed to.

On motion of Mr. Cooke, the report of the Joint Committee to confer with M. G. Vallejo, in reference to the removal of the Legislature from Vallejo, was taken up.

The report, communication from Gen. Vallejo requesting that his bonds be cancelled, and the Joint Resolution to comply with his request, submitted by the Committee, were then read.

Mr. Van Buren moved an amendment to the resolution.

Mr. Cooke moved the following substitute to the amendment, which was accepted :

Provided: said Vallejo shall release all claims which have heretofore accrued to him, or which he now has against the State, by reason of the removal of the seat of Government from San Jose to Vallejo.

And hereupon,

Mr. Miller moved to adjourn, which was agreed to by the following ayes and nays :

#### AYES.

Messrs. Anderson,  
Broderick,  
Foster,  
Fry,  
Keene,  
Keyser,

Messrs. Lewis,  
Miller,  
Ralston,  
Soule,  
Sprague,  
Walton—12.

#### NAYS.

Messrs. Cooke,  
Estill,  
Hubbs,

Messrs. McKibben,  
Robinson,  
Warner—6.

And the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, March 23, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Anderson presented the petition of certain citizens of the Town of Sonora and of Tuolumne County, for the passage of a law to prevent the exhibition of Games or Gaming, which was read and laid upon the table.

Mr. Lott presented the petition of certain citizens of Butte County, praying the removal of the Seat of Justice from Hamilton to Forbestown, which was read, and, on motion of Mr. Warner, referred to Committee on County Boundaries, and Senators from Butte and Shasta Counties.

Mr. Keene presented the account of Sacramento County against the State of California, for keeping State Prison Convicts in the County Jail of said county, and moved its reference to the Committee on State Prisons, which was agreed to.

Mr. Snyder, from the Committee on Claims, reported back the account of B. C. Sanders, and requested that it be referred to the Committee on Indian Affairs, and it was so referred.

Mr. Lott, from the Committee on Claims, reported back the Assembly bill for the relief of J. K. Shafer, and recommended that it be indefinitely postponed.

The report was accepted and the bill laid upon the table.

Mr. Lott, also, from the same, reported back Assembly bill for the relief of M. C. Dougherty, and recommended its passage.

On motion of Mr. Estill, the bill was read a third time and passed.

Mr. Lott, from the same Committee, also reported back the account of F. H. Sanford, and recommending that it be referred to the Judiciary Committee.

The report was accepted and the bill so referred.

Mr. Snyder, from the Committee on Claims, reported back the Assembly bill for the relief of Lyman Leslie, with the concurrence of the Committee in recommending its passage.

The report was accepted and the bill laid upon the table.

Mr. Robinson, from the Select Committee to whom was referred Senate bill for "an Act to prohibit the exercise of Banking privileges and the issue of Warrants or Scrip to circulate as money," reported the same back with a substitute.

The report was accepted; the substitute read a first and second time, and ordered printed.

On motion of Mr. Wambough, the petition of Captain Thomas L. Smith, for relief, was taken from the Senate Committee and referred to the Assembly Committee on Indian Affairs.

Mr. Ralston, agreeably to notice, introduced a bill for "an Act to legalize Acknowledgments of Deeds taken before, and certified by, County Record-ers," which was read a first and second time; the rules suspended, it was considered, engrossed, read a third time and passed.

Mr. Cooke, on leave, introduced a bill for "an Act to provide for the



construction of Telegraph Lines," which was read a first and second time and referred, on motion of Mr. Robinson, to the Committee on the Judiciary.

Mr. Keyser, on leave, introduced a bill for "an Act to authorize the payment of the men and officers who performed military services for the State of California, in May, 1850, under the command of Major-General T. J. Green, and the expenses incurred therein," which was read a first and second time and referred to Committee on Indian Affairs.

The time having arrived for the consideration of the special order of the day, on motion of Mr. Van Buren, a call of the Senate was ordered.

The Secretary was proceeding with the roll, when, on motion of Mr. Miller, the call was suspended.

A message was received, informing the Senate that the Assembly passed on 22d instant, Senate bill for "an Act to prohibit the erection of Weirs or obstructions to the run of Salmon," with amendments; and Senate bill for "an Act for the relief of E. Barry."

Also, that they had passed on the same day a bill for "an Act for the relief of the Indigent Sick of San Diego."

Also, a "Joint Resolution in reference to Indian Reservations."

Senate bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," was, on motion of Mr. Robinson, re-committed to the Committee on Commerce and Navigation.

Assembly bill for "an Act for the relief of the Indigent Sick of San Diego," was then read a first and second time, and, on motion of Mr. Warner, referred to the Committee on State Hospitals, with instructions to report to-morrow.

Assembly "Joint Resolution in reference to Indian Reservations," was read a first and second time, and referred, on motion of Mr. Cooke, to the Committee on Indian Affairs.

On motion of Mr. Broderick, the order of business was suspended that the Sergeant-at-Arms might be dispatched for absent Senators.

The absentees having appeared, on motion of Mr. Broderick, the Senate proceeded to the consideration of the special order for this day at 12 o'clock, being the bill for "an Act to suppress Gambling."

The bill was then put upon its final passage, and the ayes and nays were demanded by Mr. Van Buren, with the following result:

#### AYES.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,  
Ralston,

Messrs. Snyder,  
Sprague,  
Tingley,  
Walton,  
Warner,  
Wambough—13.

#### NAYS.

Messrs. Broderick,  
Cooke,  
De la Guerra,

Messrs. McKibben,  
Miller,  
Roach,

Estill,  
Foster,  
Keyser,  
Lind,

Robinson,  
Soule,  
Van Buren—13.

The President gave the casting vote in the negative, and the bill was lost.

(Mr. Robinson in the chair.)

Mr. Lind, on motion of Mr. Cooke, was excused from further attendance upon the Senate to-day.

On motion of Mr. Miller, Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers in 12 per cent. Bonds," and made the special order for to-day, was taken under consideration.

Mr. Broderick moved, as a substitute, the adoption of Senate bill for "an Act to provide for the settlement of claims against the State, for and on account of expenses incurred in the suppression of Indian hostilities."

On which the ayes and nays were demanded with the following result :

AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Keyser,

Messrs. Lott,  
McKibben,  
Roach,  
Warner—8.

NAYS.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Miller,  
Ralston,  
Robinson,

Messrs. Snyder,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—13.

And the substitute was lost.

Mr. Robinson gave notice (Mr. Hubbs in the chair,) that on to-morrow he would move a re-consideration of this vote.

On motion of Mr. Fry, the special order of the day under consideration was laid upon the table until to-morrow at 12 o'clock.

Mr. Anderson, on leave, introduced a bill for "an Act concerning the Courts of Justice of this State and Judicial Officers," which was read a first and second time; the rules suspended, it was considered, engrossed, read a third time and passed by the following ayes and nays, demanded by Messrs. Cooke and Anderson :

## AYES.

Messrs. Anderson,  
Broderick,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lott,

Messrs. McKibben,  
Miller,  
Roach,  
Tingley,  
Van Buren,  
Walton,  
Wambough—15.

## NAYS.

Messrs. Cooke,  
Ralston,

Messrs. Robinson,  
Sprague—4.

Mr. Warner was excused from voting.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed Senate bill for "an Act to amend an Act entitled 'an Act to Incorporate the City of Sacramento,'" and the report was adopted. On motion of Mr. Broderick, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, March 24, 1852.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Lott, from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of R. P. Ashe, Sheriff of San Joaquin County," reported the same back and recommended its indefinite postponement.

The report was adopted and the bill indefinitely postponed.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred a bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," reported the same back, and recommended that the Senate concur with the amendments of the House, as amended by the Committee.

The report was accepted and the bill laid on the table.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to incorporate the town of Alviso."

Mr. Snyder, from the Committee on Corporations, to whom was referred a bill for "an Act to authorize James Gallagher, and others, to build a toll bridge across the American River," made a minority report recommending that the Legislature take no further action on the subject.

The report was accepted, and, on motion of Mr. Ralston, the bill was made the order of the day for Tuesday next, 30th inst.

Mr. Snyder, from the Select Committee, to whom was referred the joint resolution in relation to Geological and Mineralogical Survey of the State, submitted a report, in writing, recommending the passage of the same, and on motion of Mr. Tingley, the report was accepted and one thousand copies ordered printed. (See appendix 31.)

The copy of subpoena issued to Mr. A. C. Peachy, on the 19th inst., was returned with the following endorsed thereon :

*"To the President of the Senate :*

SIR: I return this paper to the Senate, for the reason that the Senate "have not the right to command my attendance before its bar, for any purpose. The people of the State of California, in whose name this summons is made, have expressly said that I shall not be commanded by the Senate to do anything out of respect for the dignity of the people, and the privileges of their representatives. I return this paper to your honorable body.

I have the honor to be,

Most respectfully yours,

ARCHA. CARY PEACHY,

Delegate from the County of San Francisco."

A message was received from the Assembly informing the Senate that the Governor did, on Monday last, approve and sign the following bills which originated in the Assembly :

An Act entitled an Act to establish the County of Siskayou and establish the seat of justice therein.

An Act supplementary to an Act to incorporate the city of Santa Barbara, passed April 9th, 1850.

An Act entitled an Act concerning the Recorder of Santa Barbara County.

An Act entitled an Act for the relief of William H. Endicott, under Sheriff of Nevada County.

An Act supplemental to an Act entitled an Act to provide for the incorporation of Rail Road Companies, passed 28th of February, 1851.

Also, a resolution, entitled concurrent resolution to stop the pay of Judges while absent, on leave, from the State.

The Assembly did, on yesterday, pass Senate bill :

An Act for the distribution of the Laws for 1851, and have amended the same as therein shown.

An Act prescribing the time of payment of the salaries of officers of State.



The Assembly concurred in the resolution of the Senate, appointing a Committee to investigate the conduct of the Enrolling Committee of the last Session of the Legislature, and have appointed on their part Messrs. McCouaha, Cutler and Brush, said Committee.

The Assembly insist upon their amendment to a bill for the relief of C. H. Veeder.

The Assembly also passed, on yesterday, the following bills, which are herewith submitted :

A bill to be entitled an Act to amend the seventeenth Section of the Act concerning forcible entry and unlawful detainer.

An Act for the authentication of statutes, without the approval of the Governor.

A bill to be entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May 1, 1851.

An Act concerning the administration of oaths.

The Assembly also passed, on yesterday, a joint resolution granting leave of absence to William R. Turner, Judge of the Eighth Judicial District.

The bill for "an Act for the distribution of the Laws for 1850 and 1851," as amended by the Assembly, was taken up, the amendments concurred in, and the bill again passed.

On motion of Mr. Broderick, the bill for "an Act concerning fees in office," was taken from the table and made the order for Saturday next, the 27th inst.

On motion of Mr. Keene, a Committee of three was appointed on the part of the Senate, to act in connection with a similar Committee on the part of the Assembly, on the disagreeing votes of the two Houses, on the bill for "an Act for the the relief of C. H. Veeder."

The chair appointed as the Committee, on the part of the Senate, Messrs. Keene, Sprague and Lewis.

Assembly bill for "an Act to amend the seventeenth Section of the Act concerning forcible entry and unlawful detainer," was then read a first and second time and laid over under the rule.

Assembly bill for "an Act for the authentication of statutes without the approval of the Governor," was then read a first and second time, and referred, on motion of Mr. Broderick, to the Judiciary Committee.

Assembly bill for "an Act concerning the administration of oaths," was then read a first and second time and referred to the Judiciary Committee.

Assembly bill for "an Act to amend an Act to regulate the settlement of the estates of deceased persons," passed May 1, 1851, was then read a first and second time, and, on motion of Mr. Broderick, referred to the Judiciary Committee.

Assembly "joint resolution granting leave of absence to William R. Turner, Judge of the Eighth Judicial District," was then read a first and second time, and, on motion of Mr. Broderick, referred to the Judiciary Committee.

On motion of Mr. Broderick, the Judiciary Committee were instructed to report in relation to a communication submitted by him some days since, relating to the Leidesdorff estate.

Mr. Cooke, from the Judiciary Committee, to whom was referred the bill for "an Act to provide for the construction of Telegraph Lines, within the

State of California," reported the same back with amendments, and recommended its passage.

The report was accepted and the amendments concurred in, and subsequently the bill was further amended, read a third time and passed.

Mr. Robinson, from the Committee on State Hospitals, to whom was referred Assembly bill for "an Act for the relief of the indigent sick, of San Diego," reported the same back and recommended its passage.

The report was accepted and the bill laid on the table.

On motion of Mr. Fry, Assembly bill for "an Act concerning the organization of the Militia," was taken from the table, and thereupon Mr. Fry, from the Committee on Militia, to whom was referred a bill for "an Act to repeal the present Militia Laws of the State, to designate the Militia Roll, and to provide for the election, and prescribe the duties of a Quarter-Master General," reported the same to the Senate for their consideration.

The Senate then, as in Committee of the whole, took under consideration the two bills, and having considered the same, reported them back to the Senate with amendments to the Assembly bill, and recommended its passage.

Mr. Van Buren moved that the amendments be concurred in, which was decided in the affirmative by the following ayes and nays :

#### AYES.

Messrs. Broderick,  
Foster,  
Fry,  
Lott,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Walton,  
Warner—10.

#### NAYS.

Messrs. Hubbs,  
Keene,

Messrs. Miller,  
Van Buren—4.

Mr. Robinson moved to amend the twenty-second section by adding the following words :

"All troops called into actual service, after the passage of this Act, for the suppression of Indian Hostilities, or for any other object, shall be entitled to and receive the same pay as the United States Troops, serving in California, and no more."

And the amendment was adopted.

Mr. Foster moved to amend by inserting as section twenty-three, the following words :

"The Act authorizing the Governor to call out Troops to defend our frontier, and providing for their pay and compensation," passed March 17th, 1851, is hereby repealed, *Provided*, that no claim or right that may have accrued under said Act be affected by this repeal."

And the amendment was adopted.

The bill was then read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Foster,  
Fry,  
Lott,

Messrs. Ralston,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Warner—12.

## NAYS.

Messrs. Hubbs,  
Keene,  
Miller,

Messrs. Sprague,  
Walton,  
Wambough—6.

So the bill was passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to legalize acknowledgments of Deeds, taken before and certified by County Recorders."

Also, a bill for "an Act concerning the Courts of Justice of this State, and Judicial Officers."

The report was adopted.

On motion of Mr. Sprague, the bill for "an Act to authorize James L. Freaner, to construct a wagon road from Sacramento Valley, to the Oregon line, and to regulate the tolls to be collected on the same," was taken from the table, and pending the consideration of the same, on motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

THURSDAY, March 25, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Cooke, from the Judiciary Committee, to whom was referred the bill for "an Act for the relief of insolvent debtors and protection of creditors," reported the same back with amendments. The report was accepted, and the bill laid upon the table.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of E. Barry ;"

"An Act to regulate Rodeos;"

And also, "a Joint Resolution in relation to Swamp Lands."

The report was adopted.

Mr. Foster, from the Committee "on the Translation of Laws," to whom was referred Assembly Joint Resolution for the payment of the Translator of the Laws, reported back as a substitute for the same, a bill for "an Act for the relief of William E. P. Hartnell," and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Roach, from the Select Committee, to whom was referred Senate bill for "an Act to enforce contracts and obligations to perform work and labor," submitted a minority report, which he read. (See appendix 32.)

On motion of Mr. Sprague, the report was accepted and one thousand copies ordered printed, and the bill made the special order for Tuesday, 30th inst.

Mr. Foster presented a memorial from the Common Council of the City of Los Angeles, praying the Legislature to permit them to extend the lines of that city so as not to embrace any more than the aggregate of three square miles, which was read, and on motion of Mr. Van Buren, referred to the Committee on Corporations.

Mr. Soule presented the claim of Cronin and Markley, for rent of rooms for State Armory, which was referred to the Committee on Claims.

Mr. Warner gave notice that he would, at an early day, introduce a bill for "an Act to amend 'an Act concerning corporations,' passed April 22d, 1850."

On motion of Mr. Broderick, the Senate then, as in Committee of the Whole, (Mr. Ralston in the chair) proceeded to take the testimony of witnesses summoned to appear this day before the Senate, to give evidence in relation to the passage of an Act entitled "an Act to provide for the disposition of certain property of the State of California," approved March 26th, 1851: Also, "an Act in relation to the City of San Francisco:" And having taken the testimony of Jonathan Stevenson, Hiram Pearson, J. L. Folsom, and James Blair, the Committee rose and asked leave to sit again, which was granted.

A message was received, informing the Senate the Assembly passed, on yesterday, Senate bills,

An Act for the relief of C. C. Richmond;

An Act to change the name of the California Wesleyan College to that of the University of the Pacific;

An Act to extend the time of the Acting Treasurer of Mariposa County to make his returns;

An Act to authorize a special election in the County of Shasta for the office of Sheriff;

An Act for the relief of Hinckly and Davis; and

Senate Concurrent Resolution to divide the contingent fund of the Senate and Assembly, and have amended the same as therein shown; and

An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State;

An Act for the relief of E. J. C. Kewen.

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to provide for the construction of Telegraph Lines within the State of California." The report was adopted.



On motion of Mr. Keyser, the Senate took a recess until 7 o'clock P. M.

### EVENING SESSION.

President in the chair.

On motion of Mr. Tingley, the votes on the passage and on the third reading of the bill for "an Act to provide for the construction of Telegraph Lines within the State of California," were re-considered, and the bill referred to the Judiciary Committee.

On motion of Mr. Robinson, the Senate, as in Committee of the Whole, again proceeded to take testimony in relation to the passage of an Act entitled "an Act to provide for the disposition of certain property of the State of California," approved March 26th, 1851; and "an Act in relation to the City of San Francisco," approved May 1st, 1851; and having taken the testimony of J. C. Palmer, W. D. M. Howard, and A. J. Ellis, the Committee rose and asked leave to sit again, which was granted.

Mr. Van Buren moved to adjourn, which was lost by the following ayes and nays;

#### AYES.

Messrs. Estill,  
Lewis,

Messrs. Snyder,  
Van Buren—4.

#### NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Ralston,

Messrs. Roach,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Warner—12.

Mr. Broderick presented a communication from James Blair, explanatory of his testimony this day given before the Senate, which was read and ordered to be attached to his evidence.

Mr. Warner moved that Thos. J. Green be summoned to appear and give evidence before the Senate in relation to the passage of the Water Lot Acts.

Mr. Van Buren moved to adjourn. Not agreed to.

The question recurring on Mr. Warner's motion, it was carried.

Mr. Green was then introduced, sworn by the President, and gave his testimony, which was reduced to writing.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, March 26, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The journal of Thursday was read and approved.

A message was received from the Governor, informing the Senate that he had this day approved "an Act for the relief of E. Barry."

The concurrent resolution to divide the contingent fund of the Senate and Assembly, as amended by the Assembly, was then taken under consideration:

On motion of Mr. Tingley, it was laid upon the table.

Assembly bill for "an Act for the relief of E. J. C. Kewen," was taken from the table, read a first and second time, and

On motion of Mr. Warner referred to the Committee on Claims.

Assembly bill for "an Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State," was also taken up, read a first and second time, and

On motion of Mr. Tingley, laid upon the table.

The bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," as amended by the Assembly was taken from the table, the amendment amended, and the bill again read a third time and passed.

Mr. Wambough, on leave, introduced a bill for "an Act to authorize John H. Harper to construct a wagon road from Humboldt Bay or the vicinity thereof to Sacramento Valley," which was read a first and second time, and laid on the table.

Mr. Ralston, on leave, introduced a bill for "an Act to authorize Justices of the Peace to take and certify proofs and acknowledgments of deeds and other instruments in writing," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hubbs on leave, introduced a bill for "an act concerning the office of Port Warden and defining the duties thereof," which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Warner, on leave, introduced a bill for "an Act respecting the Trustees of the City of San Diego," which was read a first and second time, and referred to the Committee on Corporations.

Mr. Keene from the Joint Committee on the part of the Senate, to whom was referred the disagreeing votes of the two Houses on the bill for "an Act for the relief of C. H. Veeder," reported as the agreement of the committee that the Assembly should recede from their amendment and the bill be passed.

On motion of Mr. Van Buren the report was adopted.

On motion of Mr. Van Buren, the report and resolutions relating to the establishment of a branch mint in this State, were taken from the table and adopted.

Mr. Estill, on leave, introduced a bill for "an Act to provide for the payment of the members of the Monterey County Expedition, commanded by

Selim E. Woodworth; and also to provide for the payment of supplies furnished said expedition," which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. Estill gave notice that he would, at an early day, introduce a bill granting the right of way to James Wheeler, to construct a wagon road from the City of Sacramento to Carson Valley.

Mr. Snyder, on leave, introduced a bill for "an Act to provide for making a Map of the State of California, by the Surveyor General," which was read a first and second time, and referred to the Committee on Public Lands.

On motion of Mr. Snyder, the bill for "an Act for the relief of Taaffe and McCahill," was taken from the table, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Sprague from the Committee on Public Buildings, to whom was referred the bill for "an Act to provide for the safe keeping of certain State property, and for the preparation of the Legislative halls and offices," reported the same back and recommended its passage.

On motion of Mr. Cooke, the report was accepted, and the bill laid on the table.

Mr. Sprague, on leave, introduced a bill for "an Act to provide for the payment of the salary of the Superintendent of Public Buildings," which was read a first and second time, and referred to the Committee on Finance.

On motion of Mr. Keene, Assembly bill for "an Act for the relief of James L. Bolen," was then taken from the table, amended, read a third time and passed.

On motion of Mr. Miller, the Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa volunteers in 12 per cent. bonds," was taken from the table.

Mr. Cooke moved to lay the bill upon the table that he might introduce a resolution, requesting the Committee of the Assembly, to whom this subject was referred when before that house, to furnish to the Senate all the information in their possession in relation to the matter, and the motion was carried by the following ayes and nays:

## AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Fry,  
Keyser,  
Lott,

Messrs. Roach,  
Robinson,  
Soule,  
Van Buren,  
Warner,  
Wambough—13.

## NAYS.

Messrs. Anderson,  
Hubbs,  
Keene,  
Lewis,  
Lind,  
Miller,

Messrs. Ralston,  
Snyder,  
Sprague,  
Tingley,  
Walton—11.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of M. C. Dougherty." Also "an Act concerning the Courts of Justice of this State and Judicial Officers." The report was adopted.

On motion of Mr. Sprague, (Mr. Hubbs in the chair) the Senate as in Committee of the Whole, took under consideration the bill for "an Act to authorize James L. Freamer to construct a wagon road from Sacramento Valley to Oregon Line, and to regulate the tolls to be collected on the same," and having made some progress thereon, rose, and asked leave to sit again, which was granted.

On motion of Mr. Broderick, (Mr. Warner in the chair) the Senate as in Committee of the Whole, proceeded to take further testimony of witnesses in relation to the passage of "an Act to provide for the disposition of certain property of the State of California," approved March 26th, 1851.

Also, "an Act in relation to the City of San Francisco," approved May 1st, 1851. And having taken the testimony of C. E. Pickett, and Hiram Pearson, the Committee rose, and asked leave to sit again, which was granted.

And on motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## SENATE.

SATURDAY, March 27, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, the following bills:

"An Act for the relief of Hinckley and Davis."

"An Act to provide for the obtainment, preservation and distribution of Vaccine Matter."

"An Act to authorize a Special Election in the County of Shasta for the office of Sheriff."

"An Act to repeal an Act entitled 'an Act to authorize the Court of Sessions of Sacramento County to borrow money.'"

And "an Act concerning Courts of Justice and Judicial Officers."

The report was adopted.

Mr. Keene presented a petition from citizens of El Dorado County, praying the Legislature to pass a general law for the establishment of Corporate Companies, for the purpose of carrying on certain works of a public character, which was read and referred to the Committee on Corporations.



Mr. Ralston, from the Committee on Corporations, to whom was referred the bill for "an Act respecting the Trustees of the City of San Diego," reported the same back and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Cooke, from the Judiciary Committee, to whom was referred the bill for "an Act to provide for the construction of Telegraph Lines within the State of California," reported the same back with amendments.

The report was accepted and the bill laid on the table.

Mr. Soule, from the Committee on Education, to whom was referred the bill for "an Act concerning Common Schools," reported the same back with amendments.

The report was accepted and the bill laid on the table.

A message was received, informing the Senate that the Assembly passed, on the 24th instant, Senate bills entitled

An Act concerning the Courts of Justice of this State and Judicial Officers.

And an Act to amend an Act concerning Divorces.

An Act for the relief of B. F. Ankeny, W. A. Cunningham and James Griffith.

An Act for the relief of John G. Marvin.

An Act for the relief M. Dougherty.

And that the Assembly passed, on 26th instant, Senate bill—

An Act for the relief of Thomas J. Green.

And that the Assembly receded from their amendments to a bill for the relief of C. H. Veeder, which originated in the Senate, and passed the following bills :

An Act defining the duties of State Printer and fixing his compensation.

A bill to be entitled an Act to change the time of holding the District Court in the County of Santa Clara.

An Act for the relief of William Foster.

A bill for an Act explanatory of an Act repealing the Charter of the City of Nevada, approved February 14th, 1852.

Also, a concurrent resolution granting leave of absence to W. Van Voorhies, Secretary of State, and a resolution, which is herewith presented, requesting the Senate to return a bill which passed the Assembly.

Assembly bill for "an Act for the relief of B. F. Ankeny, W. A. Cunningham and James T. Griffith," was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Claims.

Assembly bill for "an Act for the relief of Jno. G. Marvin," was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Claims.

Assembly bill for "an Act for the relief of M. Dougherty," was read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Claims.

Assembly bill for "an Act for the relief of Charles T. Botts," was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Claims.

Assembly bill for "an Act to amend an Act concerning Divorces," was then read a first and second time, and, on motion of Mr. Tingley, referred to the Judiciary Committee.

Assembly bill for "an Act defining the duties of State Printer and fixing

his compensation," was then read a first and second time, and, on motion of Mr. Hubbs, referred to the Committee on Public Printing.

Assembly bill for "an Act to change the terms of holding the District Court in the County of Santa Clara," was then read a first and second time; the rules suspended, read a third time and passed.

Assembly bill for "an Act for the relief of William Foster," was then read a first and second time, and, on motion of Mr. Tingley, referred to the Judiciary Committee.

Assembly bill for "an Act explanatory of an Act repealing the Charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved February 14th, 1852, was then read a first and second time, and, on motion of Mr. Anderson, laid on the table.

Assembly "Concurrent Resolution granting leave of absence to William Van Voorhies, Secretary of State," was then read for the information of the Senate, and, on motion of Mr. Tingley, laid on the table.

Assembly resolution, requesting the Senate to return to the Assembly the Assembly bill for "an Act to secure to settlers a pre-emption right to the overflowed and Swamp Lands of this State," in order that errors therein may be corrected, was accepted, and, on motion of Mr. Tingley, the Secretary was ordered to return the bill to the Assembly in compliance with request.

The bill was subsequently returned to the Senate corrected.

Mr. Cooke, from the Judiciary Committee, to whom was referred a bill for "an Act to authorize Justices of the Peace to take and certify proofs and acknowledgments of Deeds and other instruments in writing," reported the same back and recommended its passage.

The report was accepted and the bill laid on the table.

Mr. Broderick moved to take up the bill for "an Act concerning Fees of Office," made the special order for this day.

Mr. Walton moved to lay the special order of the day on the table, which motion was carried by the following ayes and nays:

# AYES.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Robinson,  
Snyder,  
Sprague,  
Tingley,  
Walton—14.

# NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Keyser,  
McKibben,  
Ralston,

Messrs. Roach,  
Soule,  
Van Buren,  
Warner,  
Wambough—11.

Mr. Broderick moved to take up the bill for "an Act to repeal an Act entitled an Act to provide for the disposition of certain property of the State of California."

Also, bill for "an Act to repeal an Act entitled an Act in relation to the city of San Francisco."

And also Assembly bill for "an Act to repeal the second section of an Act entitled an Act in relation to the City of San Francisco," passed May 1st, 1851, which was decided in the negative by the following ayes and nays :

## AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Hubbs,  
Keyser.

Messrs. McKibben,  
Roach,  
Snyder,  
Van Buren,  
Walton,  
Wambough—12.

## NAYS.

Messrs. Anderson,  
Fry,  
Keene,  
Lewis,  
Lind,  
Lott,  
Miller,

Messrs. Ralston,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Warner—13.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act for the relief of C. H. Veeder."

The report was adopted.

A message was received from the Governor, informing the Senate that he did on the twenty-sixth instant, approve "an Act to amend an Act entitled an Act to regulate Rodeos," approved April 30th, 1851.

Also "Joint Resolution in relation to Swamp Lands."

Mr. Hubbs moved to take up the bill for "an Act to authorize James L. Freaner to construct a Wagon Road from Sacramento Valley to Oregon line, and to regulate the Tolls to be collected on the same."

Mr. Cooke moved, as a substitute, to take up the bill for "an Act to provide for the enumeration of the inhabitants of the State of California," which was not agreed to.

The question then recurring on the motion of Mr. Hubbs, it was carried.

The Senate, as in Committee of the Whole, (Mr. Hubbs in the chair) then took under consideration the bill, and having considered the same, reported it back to the Senate with amendments.

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest,

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, March 29, 1852.

The Senate met pursuant to adjournment.

Mr. Keene, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday last was read and approved.

Mr. Lind, from the Committee on State Library, to whom was referred a communication of the Secretary of State, and a Catalogue of the California State Library, reported the same back, recommending the passage of the bill, which the committee submitted with their previous report. The report was adopted.

Mr. McKibben, from the Committee on Enrolled Bills, reported as correctly enrolled,

“An Act for the relief C. C. Richmond;”

“An Act to change the name of the California Wesleyan College to that of the University of the Pacific;”

“An Act for the relief of Thos. J. Green;”

“An Act to extend the time of the Acting Treasurer of Mariposa County to make his return:”

And the report was adopted.

Mr. Cooke, from the Judiciary Committee, to whom was referred a bill for “an Act for the relief of Wm. Foster,” reported the same back, and recommended that it be indefinitely postponed. The report was accepted and laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed,

“An Act respecting the Trustees of the City of San Diego;”

“An Act for the relief of Taaffe and McCahill; also,

“Joint Resolution in relation the establishment of a branch Mint in this State.”

The report was adopted.

Mr. Van Buren, on leave, introduced a bill for “an Act exempting the members of legally organized Fire Companies and Uniformed Militia Companies, from services upon Juries,” which was read a first and second time and laid on the table.

Mr. Ralston, from the Committee on Corporations, to whom was referred bill for “an Act to regulate the mode of petitioning the Legislature in certain cases,” reported the same back with amendments, and recommended its passage. The report was accepted and laid on the table.

Mr. Cooke, on leave, introduced a bill for “an Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers,” which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hubbs, on leave, introduced a bill for “an Act in relation to Licenses,” which was read a first and second time, and referred to a Select Committee consisting of Messrs. Sprague, Tingley, Robinson, Anderson, and Snyder.

Mr. Snyder, on leave, introduced “Joint Resolutions for the passage of a law by Congress, allowing draw back to the shippers of Pig and Bloom Iron



into this State," which was read a first and second time, the rules suspended, read a third time, and passed.

Mr. Soule presented a communication from Capt. Folsom, in relation to his testimony given before the Senate 25th March, which was read and ordered to be placed with his testimony.

A message was received from the Governor, informing the Senate that he approved, on the 27th inst.,

"An Act to provide for the obtainment, preservation, and distribution of vaccine matter;"

"An Act to authorize a special election to be held in the County of Shasta for the office of Sheriff;"

"An Act for the repeal of an Act entitled 'an Act to authorize the Court of Sessions of Sacramento County to borrow money;'"

"An Act for the relief of Hinckley and Davis;" and

"An Act concerning the Courts of Justice of this State and Judicial Officers."

And, that he approved, on the 29th inst.,

"An Act for the relief of Thomas J. Green."

A message was received, informing the Senate that the Assembly, on Saturday last, passed Joint Resolution in relation to the establishment of a branch Mint of the United States in this State, which originated in the Senate.

The Assembly concurred in the amendment made by the Senate, to the Assembly amendment, to an Act to prohibit the erection of weirs, or other obstructions to the run of Salmon.

The Assembly also passed Senate bill an Act to authorize persons engaged in the United States Coast Survey upon the coast of California, to enter on lands within this State for the purposes of said survey.

On motion of Mr. Tingley, Assembly concurrent Resolution granting leave of absence to Mr. Van Voorhies, Secretary of State, was taken from the table.

Mr. Hubbs moved to amend the resolution, by adding

That the Governor appoint a person to act as Secretary of State during the absence of Mr. Van Voorhies, who shall receive the compensation allowed to the Secretary of State; and provided, further,

That the salary above named be released by said Van Voorhies to said appointee; otherwise this resolution shall be null and void.

The question was then taken on the amendment, and decided in the negative by the following ayes and nays:

#### AYES.

Messrs. Hubbs,  
Keene,  
Lewis,

Messrs. Miller,  
Ralston,  
Warner—6.

#### NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,

Messrs. Roach,  
Robinson,  
Snyder,

Messrs. Estill,  
Fry,  
Keyser,  
Lind,  
Lott,  
McKibben,

Messrs. Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—18.

The resolution was then concurred in by the following ayes and nays :

AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—22.

NAYS.

Mr. Hubbs,

Mr. Ralston—2.

Mr. Van Buren submitted a statement in relation to the evidence of Messrs. Picket and Pearson, which was read, and ordered placed with their testimony.

Mr. Anderson, from the Select Committee, to whom was referred the message of the Governor in relation to taxes on certain vessels, and for suits brought by the owners or agents of certain Steamboat Companies against the Sheriff of San Francisco County, submitted a report in relation thereto, accompanied by a bill and Joint Resolutions.

The report was read and accepted, and five hundred copies ordered printed.

The Joint Resolutions were read three times and passed, the rules being suspended for that purpose. (See appendix 33.)

The bill submitted by Mr. Anderson, for "an Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor," was read a first and second time, and laid on the table.

Mr. Hubbs submitted a resolution, which was adopted, directing the Secretary of the Senate, as early as practicable, to have printed a statement of the unfinished business of the Senate.

Mr. Sprague moved to take up the bill for "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to Oregon line, and to regulate the tolls to be collected on the same," which was agreed to.

The amendments reported by the Committee of the Whole, were then, on motion, considered separately.

On motion of Mr. Sprague, the amendments to the first section were amended, and the section as amended was adopted by the following ayes and nays :

## AYES.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Lind,  
Lott,  
Miller,  
Ralston,

Messrs. Robinson,  
Snyder,  
Sprague,  
Tingley,  
Walton,  
Warner,  
Wambough—15.

## NAYS.

Messrs. Broderick,  
Cooke,

Mr. Van Buren—3.

On motion, the second, third, and fourth sections as amended, were adopted.

Mr. Tingley moved to amend the fifth section by striking out five per cent., which was lost by the following ayes and nays :

## AYES.

Messrs. Anderson,  
Keene,  
Lott,  
Sprague,

Messrs. Tingley,  
Walton,  
Warner—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Fry,  
Hubbs,  
Keyser,  
Lind,

Miller,  
Ralston,  
Robinson,  
Snyder,  
Van Buren,  
Wambough—13.

Mr. Van Buren submitted the following resolution :

*Resolved*, by the Senate, (the Assembly concurring) That the two Houses will adjourn *sine die* on Saturday, the third day of April next.

Mr. Sprague moved to lay the resolution on the table, which was agreed to by the following ayes and nays :

AYES.

Messrs. Anderson,  
Cooke,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lind,  
Lott,  
Miller,  
Roach,  
Sprague,  
Walton—14.

NAYS.

Messrs. Broderick,  
Ralston,  
Soule,  
Tingley,

Messrs. Van Buren,  
Warner,  
Wambough—7.

Mr. Estill, from the Committee on Indian Affairs, to whom was referred "an Act to provide for the payment of the members of the Monterey County Expedition, commanded by Selim E. Woodworth, and also to provide for the payment of supplies furnished said expedition," reported the same back, and recommended its passage.

The report was accepted and laid on the table.

Leave of absence was granted to Mr. Snyder until Tuesday next.

Mr. Anderson moved to adjourn, on which the ayes were demanded by Messrs. Cooke and Van Buren, and resulted as follows:

AYES.

Messrs. Anderson,  
Broderick,  
Fry,  
Keene,  
Keyser,  
Lind,

Messrs. Lott,  
Miller,  
Soule,  
Tingley,  
Walton,  
Wambough—12.

NAYS.

Messrs. Cooke,  
Estill,  
Foster,  
Hubbs,  
Ralston,

Messrs. Roach,  
Sprague,  
Van Buren,  
Warner—9.

So the Senate adjourned.

B. FRANK KEENE,  
President of the Senate *pro tem.*

Attest:

A. C. BRADFORD, Secretary.



## IN SENATE.

TUESDAY, March 30, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Monday was read and approved.

Mr. Lind presented a petition of citizens of Calaveras County, praying the Legislature to pass a law for the formation of a new county from a portion of the territory of Calaveras, El Dorado, Sacramento and San Joaquin Counties.

The petition was laid on the table.

Mr. Cooke from the Judiciary Committee, to whom was referred Assembly bill for "an Act to amend an Act to regulate the settlement of the Estates of deceased persons, passed May 1st, 1851, reported the same back, and recommended that it be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Cooke from the same Committee, to whom was referred Assembly bill for "an Act to amend an Act concerning Divorces ;"

And "an Act for the authentication of statutes without the approval of the Governor ;"

Also, "Joint Resolution granting leave of absence to Wm. R. Turner, Judge of eighth Judicial District," reported the same back, and recommended their passage.

The report was accepted, and the bills and resolutions laid on the table.

Mr. Cooke, from the same Committee, to whom was referred the claim and petition of F. H. Sandford, reported the same back, with an opinion that the claim was not a just one against this State, but clearly a just one against the United States, and that the Senate should take no further action on the subject.

The report was adopted, and leave granted to the petitioner to withdraw the papers relating to the subject.

Mr. Anderson from the Committee on the Judiciary, to whom was referred a bill for "an Act to create a board of Supervisors for the Counties of this State, and to define their duties and powers ;" reported the same back for the consideration of the Senate.

The report was accepted, and bill laid on the table.

Mr. Anderson, from the Select Committee, to whom was referred a bill for "an Act concerning Licenses," reported the same back for the favorable consideration of the Senate.

The report was accepted, and the bill laid on the table.

Mr. McKibben from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act prescribing the time of payment of the salaries of the Officers of State."

Also "an Act for the distribution of the Laws of 1850 and 1851."

The report was adopted.

A message was received from the Governor relating to arms and munitions belonging to the State, which was read and referred to the Committee on Militia.

The Annual Report of the Board of State Prison Inspectors was received, and

On motion of Mr. Hubbs, referred to the Committee on State Prisons, and two hundred copies ordered printed. (See Appendix 34.)

Mr. Hubbs submitted a resolution, which was adopted, allowing the usual mileage and fees to the Sergeant-at-Arms for subpoenaing witnesses, which shall be certified by the President of the Senate.

Assembly bill for "an Act to amend the seventeenth section of the Act concerning forcible entry and unlawful detainer;" was then taken up, read a third time and passed.

On motion of Mr. Broderick, the Senate as in Committee of the Whole, proceeded to take the testimony of A. C. Peachy in relation to the passage of the laws by the last Legislature entitled "an Act in relation to the distribution of certain property of the State of California."

"An Act in relation to the City of San Francisco;" and having taken the same, the Committee rose, and

On motion of Mr. Tingley, the witness was allowed time to reduce his testimony to writing.

On motion of Mr. Roach, the bill for "an Act to provide for the payment of the members of the Monterey County Expedition commanded by Selim E. Woodworth, and also to provide for the payment of supplies furnished said Expedition," was taken from the table.

Mr. Robinson moved to lay the bill on the table. Not agreed to.

Mr. Lewis moved that the bill be indefinitely postponed. Not agreed to.

The bill was then read a third time, and on the question of its final passage, the ayes and nays were demanded and resulted as follows:

#### AYES.

Messrs. Anderson,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Miller,

Messrs. Roach,  
Robinson,  
Sprague,  
Tingley,  
Walton,  
Wambough—12.

#### NAYS.

Messrs. Broderick,  
Foster,  
Lewis,

Messrs. Lind,  
Van Buren,  
Warner—6.

So the bill was passed.

Mr. Robinson gave notice that he would on to-morrow move to reconsider the vote just taken on the passage of the bill.

A message was received informing the Senate that the Assembly passed yesterday a bill for "an Act supplementary to an Act to incorporate the City of Los Angeles," passed April 1st, 1850.

Also, "an Act creating Tulare County, and to provide for its organization."

"An Act to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall."

"An Act supplementary to the Act incorporating the City of Marysville."

"An Act to provide for the organization of Sierra County, and to define the boundaries thereof."

And that the Governor approved on the 26th inst., "an Act to incorporate the Town of Alviso."

Assembly bill for "an Act supplementary to an Act to incorporate the City of Los Angeles," passed April 1st, 1850, was then read a first and second time, and

On motion of Mr. Tingley referred to Mr. Foster.

Assembly bill for "an Act creating Tulare County, and to provide for its organization," was then read a first and second time, and

On motion of Mr. Lind, referred to the Committee on County Boundaries.

Assembly bill for "an Act to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall," was then read a first and second time, and referred to Messrs. Broderick, Snyder and Soule.

Assembly bill for "an Act supplementary to an Act incorporating the City of Marysville," was then read a first and second time, and

On motion of Mr. Tingley, referred to Mr. McKibben.

Assembly bill for "an Act to provide for the organization of Sierra County, and to define the boundaries thereof," was then read a first and second time, and referred to the Committee on County Boundaries.

Mr. Cooke, on leave, introduced a bill for "an Act to change the time of holding the terms of the District Court in the County of Yuba," which was read a first and second time, rules suspended, it was read a third time and passed.

On motion of Mr. Robinson, the Senate took under consideration the bill for "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to Oregon Line, and to regulate the tolls to be collected on the same.

Mr. Sprague moved to amend the fifth section by striking out "5," and inserting "2," which was lost by the following vote:

AYES.

Messrs. Anderson,  
Keene,  
Lott,  
Sprague,

Messrs. Tingley,  
Walton,  
Warner—7.

SAYS.

Messrs. Broderick,  
Cooke,  
Hubbs,  
Keyser,  
Miller.

Messrs. Ralston,  
Robinson,  
Soule,  
Van Buren—9.

Mr. Sprague moved to strike out in same section, the word "gross," and insert the word "nett," which was agreed to by the following ayes and nays :

## AYES.

Messrs. Anderson,  
Broderick,  
Fry,  
Keene,  
Lind,

Messrs. Lott,  
Sprague,  
Tingley,  
Walton—9.

## NAYS.

Messrs. Cooke,  
Hubbs,  
Robinson,

Messrs. Soule,  
Van Buren,  
Warner—6.

Mr. Anderson moved a call of the Senate, which was sustained, and on the roll being called, the following Senators were absent, Messrs. Estill, Foster, Keyser, Lewis, McKibben, Miller, Roach and Robinson.

The Sergeant-at-Arms was dispatched by the chair to bring the absentees within the bar of the Senate.

Messrs. Foster, McKibben and Roach appeared and took their seats.

On motion of Mr. Keene, (Mr. Hubbs in the chair) further proceedings under the call were dispensed with.

Mr. Broderick moved to reconsider the vote taken on the amendment to strike out the word "gross," and insert "nett," which motion was lost by the following ayes and nays :

## AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,  
Keyser,  
Lind,

Messrs. Miller,  
Ralston,  
Robinson,  
Soule,  
Van Buren,  
Warner—12.

## NAYS.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,

Messrs. McKibben,  
Roach,  
Sprague,  
Tingley,  
Walton,  
Wambough—12.

Mr. Anderson, on leave, presented the credentials of James W. Denver, Senator elect from twenty-second Senatorial District, and moved Mr. Denver be sworn in, which was carried.



Mr. Denver then appeared, was sworn in by Hon. W. T. Barbour, District Judge, and took his seat.

Mr. Van Buren moved the adoption of all the amendments reported to the bill under consideration by the Committee of the Whole, which was agreed to by the following ayes and nays :

## AYES.

Messrs. Anderson,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Roach,  
Sprague,  
Tingley,  
Walton,  
Wambough—17.

## NAYS.

Messrs. Broderick,  
Cooke,  
Robinson,

Messrs. Soule,  
Van Buren,  
Warner—6.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Cooke, the bill for "an Act to provide for the construction of Telegraph Lines within the State of California," was taken from the table.

Mr. Cooke moved to concur in the amendment reported by the Committee, which was carried by the following vote :

## AYES.

Messrs. Anderson,  
Cooke,  
Denver,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Walton,  
Wambough—19.

## NAYS.

Messrs. Broderick,  
Lott,  
Sprague,

Messrs. Van Buren,  
Warner—5.

Mr. Sprague moved that the bill be laid on the table and ordered printed. Not agreed to.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "Joint Resolution for the passage of a law by Congress, allowing drawback to the shippers of Pig and Bloom Iron into this State."

Report was adopted.

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

WEDNESDAY, March 31, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The journal of Tuesday was read and approved.

A message was received from the Assembly, informing the Senate that they did, on yesterday, refuse to concur in the amendments made by the Senate, to Assembly bill for "an Act concerning the organization of the Militia."

On motion of Mr. Van Buren, the Senate refused to recede from their amendments, and, on further motion, a Committee of three was appointed to act in connection with a similar Committee of the Assembly, on the disagreeing vote of the two Houses.

The chair appointed as such Committee, on the part of the Senate, Messrs. Van Buren, Lind and Keyser.

Mr. Keene, from the Committee on Contingent Expenses, presented the account of D. M. Bemus, for \$9,00, and reported the same to be just.

The report was adopted and the account ordered paid.

Mr. Lott, from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of Charles T. Botts," reported the same back, when it was amended, read a third time and passed.

Mr. Robinson, agreeably to notice, moved to reconsider the vote taken on the passage of the bill for "an Act to provide for the payment of the members of the Monterey County Expedition, commanded by Selim E. Woodworth, and also to provide for the payment of the supplies furnished said Expedition," which motion was lost by the following ayes and nays:

AYES.

Messrs. Broderick,  
Foster,  
Lewis,  
Lind,

Messrs. Ralston,  
Robinson,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Anderson,  
Cooke,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lott,  
McKibben,

Messrs. Miller,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Wambough—15.

On motion of Mr. Tingley, Assembly "joint resolution in relation to the establishment of another line of Mail Steamers on the Pacific Coast," was taken from the table, read a third time, and on the question of its passage, the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Anderson,  
Cooke,  
Foster,  
Hubbs,  
Keene,  
Lott,  
Miller,

Messrs. Roach,  
Robinson,  
Tingley,  
Van Buren,  
Walton,  
Wambough—13.

## NAYS.

Messrs. Broderick, .  
Fry,  
Keyser,  
Lind,

Messrs. Ralston,  
Soule,  
Sprague,  
Warner—8.

So the resolution was passed.

On motion of Mr. Broderick, the Senate, as in the Committee of Whole, took under consideration the bill for "an Act concerning fees in office," and having made sundry amendments thereto, rose and reported the same back to the Senate, when, on motion of Mr. Van Buren, they were concurred in.

Mr. Keyser moved to insert the following as section twenty-four :

"If any Clerk, Sheriff, Justice of the Peace, or Constable, shall have any fees due him, for services rendered in any suit or proceeding, he may have execution therefor, in his own name against the party from whom they are due to be issued from the Court in which the action is pending."

Which was adopted.

Mr. Walton moved the adoption of the following as section seven :

## FEES OF COUNTY AUDITOR.

The County Auditor shall receive for his services such compensation as may be just, to be determined by the County Court, of the County, or the

Board of Supervisors, of the County, whenever such Board shall be created.

Which was agreed to.

Mr. Walton moved to strike out of the fourteenth section, the words :

" But this shall allow no fees to a witness in a criminal action," on which the ayes and nays were demanded, by Messrs. Van Buren and Anderson, with the following result :

# AYES.

Messrs. Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Sprague,  
Walton—6.

# NAYS.

Messrs. Anderson,  
Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keyser,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Warner,  
Wambough—16.

And the motion to strike out was lost.

On motion of Mr. Van Buren, the bill was ordered engrossed for a third reading.

On motion of Mr. Warner, Senate concurrent resolution to divide the contingent Fund of the Senate and Assembly, was taken up, and the Senate refused to concur in the amendment of the Assembly thereto.

On motion of Mr. Broderick, Senate bill for "an Act prescribing the mode of maintaining and defending possessory actions, on Public Lands in this State," was made the special order for to-morrow at 12 o'clock.

On motion of Mr. Estill, Assembly bill for "an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union," was made the special order for Saturday, at 12 o'clock.

On motion of Mr. Ralston, Senate bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," was made the special order for to-morrow.

On motion of Mr. Robinson, Senate bill for "an Act for the relief of insolvent debtors and the protection of creditors," was made the special order for Friday, at 12 o'clock.

Mr. Lott moved to take from the table, Senate bill for "an Act for the relief of Cooke and Lecount," which was agreed to. The bill was read a third time and passed.

On motion of Mr. Wambough, Senate bill for "an Act to prevent certain public nuisances," was taken from the table, the amendments reported by the Committee concurred in, the bill read a third time and passed.

On motion of Mr. Lewis, Assembly bill for "an Act recommending to



the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," was made the special order of the day for Monday at 12 o'clock.

On motion of Mr. Cooke, the vote ordering Senate bill for "an Act concerning fees of office," to be engrossed, was re-considered.

Mr. Cooke then moved the adoption, as an additional section, of the following words:

"This Act shall take effect and be in force from and after the first day of July next," which was agreed to, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Walton, Senate bill for "an Act to provide for the protection of foreigners, and to define their liabilities and privileges," was made the special order for Tuesday next, 6th day of April, at 12 o'clock.

Assembly bill for "an Act directing the State Treasurer, to redeem Warrants issued to Mariposa Volunteers, in twelve per cent. bonds," was on motion of Mr. Wambough, made the special order of the day, for Wednesday next, 7th April, at 12 o'clock.

On motion of Mr. Warner, Assembly bill for "an Act for the relief of the indigent sick of San Diego," was taken from the table, and while considering the same, on motion of Mr. Keene, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

THURSDAY, April 1, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Wednesday was read and approved.

Mr. Walton presented a petition from citizens of El Dorado County, praying the Legislature to pass a law authorizing Constantine Hix to construct a Plank, McAdamized or Timber Road from Coloma to Sacramento City.

The petition was referred to Messrs. Walton and Keene.

On motion of Mr. Keene, Assembly bill for "an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans," was taken from the table.

Mr. Broderick moved the indefinite postponement of the bill, which was carried by the following vote:

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Foster,  
Hubbs,  
Lewis,  
Lind,

Messrs. Robinson,  
Soule,  
Sprague,  
Van Buren,  
Walsh,  
Wambough—13.

## NAYS.

Messrs. Anderson,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Tingley,  
Walton,  
Warner—12.

A message was received, informing the Senate that the Assembly passed yesterday Senate bill for an Act to change the times of holding the Terms of the District Court in the County of Yuba;

And a Concurrent Resolution, which is herewith presented;

Also, a bill for an Act to provide for the payment of the salary of Wm. T. Barbour, Judge of Tenth Judicial District;

And Joint Resolution of Instructions to our Senators and Representatives in Congress, relative to the levying and collecting a tonnage tax for Hospital purposes.

Assembly bill for "an Act to provide for the payment of the salary of W. T. Barbour, Judge of the Tenth Judicial District," was read a first and second time, and, on motion of Mr. Broderick, referred to the Judiciary Committee.

Assembly "Joint Resolutions of instructions to our Senators and Representatives in Congress, relative to levying and collecting a tonnage tax for Hospital purposes," was read a first and second time, and, on motion of Mr. Warner, referred to the Committee on Commerce and Navigation.

Assembly "Concurrent Resolution, directing the State Officers to repair to Vallejo as soon as this Legislature adjourns," was then read, and, on motion of Mr. Wambough, laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act to provide for the payment of the members of the Monterey County Expedition, commanded by Selim E. Woodworth, and also to provide for the payment of supplies furnished said Expedition."

"An Act to change the time of holding the Terms of the District Court in the County of Yuba."

"An Act to authorize the construction of a Wagon Road from Sacramento Valley to Shasta Valley, and thence to the southern boundary line of the Territory of Oregon."

Also, the seventh section of a bill for "an Act to prohibit the erection of Weirs and other obstructions to the run of Salmon," embodying the amendments made in Assembly to said bill.

The report was adopted.

Mr. Foster, to whom was referred Assembly bill for "an Act supplementary to an Act to Incorporate the City of Los Angeles," passed April 1st, 1850, reported the same back with amendments.

The report was accepted and laid on the table.

On motion of Mr. Warner, Assembly bill for "an Act for the relief of the Indigent Sick of San Diego," was taken from the table, amended, read a third time and passed by the following vote :

AYES.

Messrs. Hubbs,  
Keene,  
Lewis,  
Roach,  
Robinson,

Messrs. Tingley,  
Van Buren,  
Wambough,  
President—9.

NAYS.

Messrs. Broderick,  
Foster,  
Fry,  
Lind,

Messrs. Ralston,  
Soule,  
Sprague,  
Warner—8.

On motion of Mr. Wambough, the Senate, as in Committee of the Whole, (Mr. Hubbs in the chair) took under consideration a bill for "an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State ;" and having considered the same, the Committee rose and reported the bill back with amendments, which were concurred in.

Mr. Cooke moved to amend by inserting, as a new section, the following words :

"Any person who shall, under the provisions of this Act, enter upon or claim the lands of another, shall pay to the owners of such land three times the amount of damages which such owner shall sustain by reason of such entry or claim ; and shall be imprisoned in the County Jail until he shall pay such damage and such costs as may be awarded against him."

Which was lost by the following vote :

AYES.

Messrs. Cooke,  
Miller,

Mr. Warner—3.

NAYS.

Messrs. Foster,  
Fry,  
Hubbs,

Messrs. Soule,  
Sprague,  
Tingley,

Messrs. Keene,  
Lott,  
Ralston,  
Roach,

Messrs. Van Buren,  
Walton,  
Wambough—13.

Mr. Cooke moved to amend by inserting the following words :

“ Any person who shall, under the provisions of this Act, enter upon or claim the lands of another, shall pay to the owner of such lands three times the amount of damage which such owner shall sustain by reason of such entry on his claim.”

Which was lost by the following vote :

AYES.

Messrs. Cooke,  
Denver,  
Estill,

Messrs. Roach,  
Robinson,  
Warner—6.

NAYS.

Messrs. Broderick,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—14.

Mr. Robinson moved an amendment to the third section, which was not agreed to.

On motion of Mr. Van Buren, the bill was considered, engrossed, read a third time ; and, on the question—“ Shall the bill now be passed ?” it was decided in the affirmative by the following ayes and nays :

AYES.

Messrs. Anderson,  
Fry,  
Hubbs,  
Keene,  
Lind,  
Lott,  
Miller,  
Ralston,

Messrs. Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—15.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
28

Messrs. Foster,  
Roach,  
Warner—6.



A message was received, informing the Senate that the Assembly this day passed a resolution appointing a Joint Committee to procure the Translation of the Laws into the Spanish language.

Mr. Warner moved that the Senate concur in the resolution, which was agreed to.

The chair appointed, as the Committee on the part of the Senate, Messrs. Warner, Roach and Robinson.

Mr. Ralston moved to take up the bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers."

The motion was put, and decided "carried" by the chair.

Mr. Van Buren immediately thereafter demanded the ayes and nays.

The chair decided the call for the ayes and nays to be out of order.

Mr. Van Buren appealed from this decision.

Mr. Miller moved to adjourn, which was agreed to, and before the appeal was put, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

FRIDAY, April 2, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Thursday was read and approved.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred Assembly "Joint Resolutions of instructions to our Senators and Representatives in Congress, relative to levying and collecting a tonnage tax for Hospital purposes," reported back the same, and recommended its passage.

On motion of Mr. Tingley, the resolutions were read a third time, and passed.

Mr. Keene, from the Committee on Contingent Expenses, presented the claim of T. H. Borden, \$111.00, for Stationery; also,

The claim of George W. Murray, \$94.75, for Stationary, and reported the same to be correct.

The report was adopted, and the accounts ordered paid.

Mr. Anderson, from the Committee on Public Lands, to whom was referred the message of the Governor, transmitting the correspondence between him and the delegation in Congress in reference to exempting United

States property in this State from taxation, reported the same back, and recommended the passage of the bill already introduced for that object.

The report was accepted and laid on the table.

Mr. Robinson presented the memorial and claim of Lorenzo Hubbard, for rent of room for Supreme Court, which was referred to the Committee on Claims.

Mr. Lott, from the Committee on Public Printing, to whom was referred Senate bill for "an Act concerning State Printing;" and

Assembly bill for "an Act defining the duties of State Printer, and fixing his compensation," reported the same back, and recommended the passage of a bill for "an Act to provide for the Public Printing," as a substitute for the Senate and Assembly bills had under consideration.

On motion of Mr. Robinson, the report was accepted and five hundred copies ordered printed; and

On motion of Mr. Walton, the bill was made the special order for Thursday next, the 8th instant. (See appendix, 35.)

Mr. Lind, on leave, introduced a bill for "an Act to fund the debt of the County of Calaveras, and provide for the payment thereof," which was read a first and second time, and,

On motion of Mr. Miller, the rules were suspended, and the bill read a third time, and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act for the relief of Cooke and Le Count;" Also,

A bill for "an Act to prevent certain Public Nuisances;" Also,  
"An Act concerning Fees of Office."

The report was adopted.

Mr. McKibben, from the Select Committee, to whom was referred a bill for "an Act supplementary to the Act incorporating the City of Marysville," reported the same back with amendments, and recommended its passage.

The report was adopted, the amendments concurred in, and the bill read a third time and passed.

Mr. Cooke, on leave, introduced a bill for "an Act to repeal sections 41 and 42 of the Act concerning Crimes and Punishments," passed April 16th, 1850, which was read a first and second time, and referred to the Judiciary Committee, on motion of Mr. Van Buren.

On motion of Mr. Anderson, the bill for "an Act concerning the collection of certain taxes from Vessels trading within the waters of the State of California, and in relation to suits therefor," was taken from the table, read a third time, and passed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, )  
Sacramento City, April 1st, 1852. }

*To the Senate of the State of California :*

An Act entitled an Act for the distribution of the Laws of 1850 and 1851, and which originated in the Senate, has been presented for my approval.

The distribution proposed by this bill, would divest the State Library of all the copies of the Statutes of 1850, leaving no printed evidence among the public archives of the State of the acts of one of the most important Legislative Sessions. I am induced to believe that the fact could not have been within the knowledge of the Legislature at the time of the passage of the bill; but that it received their sanction under the erroneous impression that the distribution provided for could be made without leaving the Library destitute.

By the existing law regulating the State Library, one hundred copies of the Statutes of each session are required to be kept in the State Library. This provision, you cannot fail to perceive, is one of much importance—the object being to retain in the Library a sufficient number of the Statutes of each session to supply the members of future Legislatures with copies for examination—to say nothing of the propriety of having at least one place in the State where the printed laws by which the people are governed, and which constitute an interesting portion of the history of the State, may be at all times accessible to citizens desiring to examine them; and where, in a state of perfect preservation, they may be handed down to posterity in an unbroken connection.

There are now only one hundred copies of the Statutes of 1850 in the State Library, and the distribution required by the Act herewith returned, it is believed, would leave the Library without a single copy.

Believing that you will give to the facts and reasons above presented a careful examination, I herewith return the bill for your further consideration.

JOHN BIGLER.

The question was then taken, “Shall the bill pass, the objections of the Governor to the contrary notwithstanding,” and it was decided in the negative by the following ayes and nays:

AYES.

Mr. Walton—1.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren—17.

The bill for “an Act to authorize James L. Freaner to construct a Wagon Road from Sacramento Valley to Oregon line, and to regulate the tolls to be collected on the same,” was then read a third time; and on the ques-

tion "shall the bill pass," it was decided in the affirmative by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Warner—18.

## NAYS.

Messrs. Broderick,  
Cooke,

Van Buren—3.

The bill for "an Act concerning Fees of Officers," was then taken up and read a third time.

Mr. Ralston moved to re-commit the bill with instructions, which was lost by the following vote :

## AYES.

Messrs. Fry,  
Keene,  
Lott,  
Miller,  
Ralston,

Messrs. Roach,  
Soule,  
Sprague,  
Tingley,  
Walton—10.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Foster,  
Hubbs,

Messrs. Lind,  
Van Buren,  
Warner,  
Wambough,  
President—11.

Mr. Lind moved to re-consider the third reading of the bill.

Agreed to.

On motion of Mr. Van Buren, it was re-committed to the Judiciary Committee.

A message was received, informing the Senate that the Assembly on yesterday passed a resolution, which is herewith presented, requesting the Senate to return a concurrent resolution which passed the Assembly ;

And passed, yesterday, Senate bill for "an Act to authorize married women to transact business in their own names as sole traders ;

And a bill for "an Act to authorize the County Surveyors of the Counties



of Yuba, Nevada, Butte, Sierra and Trinity to survey the County lines.

Assembly resolution requesting the Senate to return the concurrent resolution requiring the State Officers to remove to Vallejo as soon as the Legislature adjourns, was then read.

Mr. Cooke moved that it be laid on the table, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,

Messrs. Miller,  
Sprague,  
Van Buren,  
Wambough—9.

## NAYS.

Messrs. Foster,  
Keene,  
Lind,  
Lott,  
Ralston,  
Roach,

Messrs. Robinson,  
Soule,  
Tingley,  
Walton,  
Warner—11.

Mr. Tingley moved that the request be complied with, which was decided in the affirmative by the following vote :

## AYES.

Messrs. Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Robinson,  
Soule,  
Tingley,  
Walton—13.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Miller,

Messrs. Roach,  
Sprague,  
Van Buren,  
Warner,  
Wambough—11.

Assembly bill for "an Act to authorize the County Surveyors of Yuba, Nevada, Butte, Sierra and Trinity to survey the County lines," was then read a first and second time and referred to the Committee on County Boundaries.

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as cor-

rectly enrolled "an Act to amend the seventeenth section of 'an Act concerning forcible entry and unlawful detainers ;' a "Concurrent Resolution granting leave of absence to W. Van Voorhies, Secretary of State ;" and also "an Act for the relief of James L. Bolen."

The report was adopted.

Mr. Soule presented the petition of Jose Du Lin, Padre of the Mission of San Jose, praying the Legislature to appropriate \$1000 for certain purposes," which was read and referred, on motion of Mr. Tingley, to the Committee on Education.

Mr. Van Buren presented the petition of citizens of Stockton, praying the Legislature to repeal the Charter of that city and to adopt a new one.

On motion of Mr. Tingley, the petition was referred to a Select Committee of three.

The chair appointed, as such Committee, Messrs. Van Buren, Tingley and Ralston.

Mr. Warner, on leave, introduced a bill for "an Act to amend an Act concerning Corporations," passed April 22d, 1850, which was read a first and second time and referred to the Committee on Corporations.

Mr. Robinson submitted a resolution, which was adopted, requesting the Assembly to return to the Senate the bill which originally passed the Assembly, for "an Act to amend an Act entitled an Act to Incorporate the City of Sacramento."

On motion of Mr. Ralston, the unfinished business of yesterday was taken under consideration.

The question being—"Shall the decision of the chair (Mr. Hubbs,) be sustained?" it was decided in the negative by the following vote :

#### AYES.

Messrs. Lewis,  
Miller,  
Ralston,

Messrs. Walton,  
Wambough—5.

#### NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,

Messrs. Keene,  
McKibben,  
Tingley,  
Van Buren,  
Warner—10.

Mr. Cooke moved to take from the table the bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," which was agreed to by the following vote :

#### AYES.

Messrs. Anderson,  
Broderick,  
Cooke,  
Denver,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,

Messrs. Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Robinson,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Warner,  
Wambough—22.

NAYS.

Mr. Van Buren—1.

A motion by Mr. Robinson to lay on the table, was carried, and the bill was again laid upon the table.

A message was received, informing the Senate that the Assembly acceded to the request of the Senate to return a bill which originally passed the Assembly, entitled "an Act to amend an Act to Incorporate the City of Sacramento."

The bill accompanying the message was then read.

On motion of Mr. Broderick, the votes on the third reading and passage of the bill were re-considered.

On motion of Mr. Broderick, the Senate then receded from its amendment made to the bill when previously before the Senate.

The bill was then read a third time and passed.

On motion of Mr. Soule, the vote indefinitely postponing Assembly bill for "an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans," was re-considered and the bill laid on the table.

Mr. Hubbs moved to take up the bill for "an Act to establish Pilot Regulations for the Port of San Francisco."

Not agreed to.

Mr. Van Buren moved that the Senate take a recess until 7 o'clock, P. M., which was agreed to by the following vote :

AYES.

Messrs. Cooke,  
Denver,  
Foster,  
Hubbs,  
Lind,  
Ralston,

Messrs. Roach,  
Robinson,  
Sprague,  
Van Buren,  
Walton,  
Warner—12.

NAYS.

Messrs. Broderick,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Lott,  
Miller,  
Soule,  
Tingley—9.

So the Senate took a recess until 7 o'clock, P. M.

## EVENING SESSION.

Senate re-assembled at 7 o'clock.

President in the chair.

The Senate, as in Committee of the Whole, took under consideration the bill for "an Act for the relief of Insolvent Debtors and protection of Creditors," and having considered the same, rose and reported it back to the Senate with amendments, which, on motion of Mr. Cooke, were concurred in.

Mr. Cooke moved that the bill be considered, engrossed, and read a third time, but there not being a quorum present, on motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest,

A. C. BRADFORD, Secretary.

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IN SENATE.

SATURDAY, April 3, 1852.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Keyser, from the Committee on County Boundaries, to whom was referred the bill for "an Act to amend the fourth section of an Act dividing the state into Counties and establishing the seats of Justice therein," passed April 25th, 1851, reported the same back with amendments, and recommended its passage.

The report was accepted and laid on the table.

Assembly bill for "an Act to authorize the County Surveyors of Yuba, Nevada, Butte, Sierra, and Trinity, to survey the County lines," was reported back by the same Committee, with amendments and its passage recommended.

Report accepted and laid on the table.

The Committee also reported back Assembly bill for "an Act creating Tulare County, and to provide for its organization," with amendments.

The report accepted and laid on the table.

Also, Assembly bill for "an Act to create the County of Sierra, and establish the seat of justice therein, to define its boundaries, and provide for its organization," reported back with a substitute.

The report was accepted; the substitute adopted and read a first and second time, and laid upon the table.

Mr. Lott, from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of B. F. Ankeny, W. A. Cunningham, and



James T. Griffith," reported the same back and recommended that it be referred to the Committee on Indian Affairs.

The report was accepted and the bill laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act prescribing the mode of maintaining and defending possessory actions, on Public Lands, in this State."

Adopted.

A message was received informing the Senate that the Assembly this day appointed Messrs. Lyons, Graham, and Yeiser, a Committee of Conference, on the disagreeing vote between the two houses, in reference to the amendment made by the Senate to the "Act concerning the organization of the Militia."

And that the Assembly refused to recede from its amendment made to a concurrent resolution of the Senate, to divide the Contingent Fund, and appointed Messrs. McMullen, Hudspeth, and Young, as a Committee of Conference.

That the Assembly, on yesterday, passed Senate bill an Act for the relief of Jesse D. Carr.

Also, an Act in relation to State Prison Convicts, and

Passed this day "an Act concerning the Supreme Court."

Assembly bill for "an Act concerning the Supreme Court," was read a first and second time.

Mr. Broderick moved to amend the bill by striking out all in the first section, after the words "San Francisco," which was lost by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Lott,  
Ralston,

Messrs. Van Buren,  
Walton,  
Warner,  
Wambough—9.

#### NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Roach,  
Soule,  
Sprague,  
Tingley—14.

Mr. Sprague gave notice that he would, on Monday, move to re-consider the vote just taken, and the bill was then laid upon the table.

Assembly bill for "an Act in relation to State Prison Convicts," was read a first and second time ; the rules suspended, it was then read a third time and passed.

On motion of Mr. Denver, Assembly "joint resolution granting leave of absence to William R. Turner, Judge of the Eighth Judicial District," was taken from the table, read a third time, and passed by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Wambough—16.

## NAYS.

Messrs. Hubbs,  
Ralston,

Messrs. Walton,  
Warner—4.

Mr. Broderick, from the Select Committee, to whom was referred Assembly bill for "an Act to authorize the Common Council of the City of San Francisco, to purchase or erect a City Hall," reported the same back and recommended its passage.

The report was accepted and the bill read a third time and passed.

On motion of Mr. Robinson, "an Act for the relief of insolvent debtors and protection of creditors," was ordered engrossed for a third reading.

Mr. Cooke, on leave, introduced a bill for "an Act to amend section fourteen, of the Act entitled "an Act concerning Courts of Justice of this State and Judicial Officers," passed March 11th, 1852, which was read a first and second time and laid upon the table.

On motion of Mr. Soule, Assembly bill for "an Act concerning the Supreme Court," was taken from the table, and the vote on the amendment, submitted by Mr. Broderick, re-considered, and the amendment adopted.

On the question shall the bill be now read a third time, objections being made by Mr. Tingley, it was laid over under the rule.

On motion of Mr. Van Buren, Assembly bill for "an Act for the relief of J. K. Shafer," was taken from the table, read a third time and on the question "Shall the bill pass?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. Lind,  
Miller,  
Soule,  
Tingley,  
Van Buren—11.

## NAYS.

Messrs. Broderick,  
Lewis,  
Lott,  
Ralston,

Messrs. Roach,  
Sprague,  
Walton,  
Warner—8.

Assembly bill for "an Act respecting fugitives from labor, and Slaves brought into this State prior to her admission into the Union," was then taken under consideration, and pending the same, the following message was received from the Governor :

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 3, 1852. }

*To the Senate and Assembly of the State of California :*

I am persuaded that the interests of the country, and the obligations of humanity, make it my duty to invoke your early attention to the difficulties and dangers which have hitherto attended the immigration to California by the overland route ; and, in view of the probable increased immigration by that route during the present year, to recommend that provision be made for the relief and succor of immigrants whom the hazards incident to the journey, may place in need of your aid.

It is presumed that the tide of immigration has already commenced to flow, and that, before the meeting of the next Legislature, the bulk of it will have arrived within the limits of our noble State. Whatever, therefore, it would be wise and proper to do, on the part of the State, should be decided now.

Information in my possession leads me to believe that the overland immigration, from the Atlantic States to California, during the present, will be larger than in any former year. The impressions which prevail among our fellow citizens, in the older States, in relation to the climate—the Agricultural and Mineral resources of our Country, are much more favorable than they have been hitherto. Welcome tidings have been sent by our citizens to their friends at home. Public tranquility has here succeeded public tumult, and, under the favor of a beneficent Providence, health and plenty shed their genial influence around us. These are the blessings which have given such an impulse to immigration.

To our mild and salubrious climate we have found added a soil far more productive than was anticipated—equalling any now cultivated in the richest portions of the older States. The Mineral resources of our country are generally believed to be inexhaustible, and our miners are obtaining a fair if not a rich reward for their privations and toil. This intelligence has been diffused throughout the Union, and the apprehensions, which once existed, that our soil would be speedily drained of its precious deposits, has given place to a settled conviction that we possess, here, a legacy inestimable and exhaustless.

These impressions have created a general desire among the people of the Atlantic States, to immigrate to California with a view, too, of locating permanently among us ; and I feel authorized to express the opinion that the immigration overland, during the present year, will comprise not less than ten thousand families, averaging, probably, five persons to each. A proportion of these immigrants will be women and children, little used to the privations, and perils which they must encounter. Neither the terrible character of the sufferings endured by the immigrants of 1849 and 1850, nor the heroic fortitude with which they endured them, can be exaggerated. The conclusion, then, is irresistible, that unless we extend the arm of wel-

come and benevolence, the immigration of the present year must encounter the same perils.

The causes which have conspired and which will conspire to produce distress may be briefly enumerated: Every family brings its quota of valuable stock, consisting of horses, mules, cattle, and other property, to swell our aggregate wealth. The contribution which will be made to the wealth of the State, through this great artery during the present year, it is believed, may be safely computed at five millions of dollars. The forward trains will diminish the pasturage, and each successive train passing over the same highway, will make it less. As the means for the subsistence of the animals composing the trains are thus reduced, the means of transportation are necessarily diminished, and the progress of the immigrants impeded or arrested. In this manner stores, which were believed to be ample when the train started, are often entirely exhausted before three-fourths of the journey is performed.

In view of such a state of facts, I deem it my duty to recommend that you appropriate not less than fifteen thousand dollars for the humane purpose of ameliorating the sufferings of immigrants—such fund to be applied, specifically, to the object for which it is appropriated. In making this recommendation, permit me to remark that I am fully aware of the embarrassed condition of the Treasury, and deplore it in common with yourselves. But extraordinary occasions demand corresponding sacrifices. It is difficult, in view of the financial condition of the State, to reconcile the appropriation proposed with the cold calculations of mere pecuniary *expediency*; but every generous heart must cordially approve, and I indulge the hope that the public voice will sustain it, as a necessary and judicious exercise of State benevolence.

It is the welfare of the country, and the stake of human life, in war, which gives solemn sanction to the acts of that government which expends its treasure to promote the cause of nations. The immigrants—their families—the women and children who will come here, should be, and are as dear to us as the soldiers who fight our battles. They have, indeed, the strongest claims upon our sympathy and regard. In discharging this duty, therefore, to them, we will be accomplishing the ends of good government; and that which we do, “like bread cast upon the waters, after many days, will return.”

In this exercise of your philanthropy, you will probably preserve many valuable lives, and, most certainly, save hundreds from intense suffering; and you will also have the pleasing assurance, that many who would have found graves in the wilderness, but for your timely aid, will become the possessors of pleasant homes and luxuriant fields in California—exercising a powerful influence in the future action of our State Government, as well as in all those amenities which regulate society in peaceful and prosperous communities.

JOHN BIGLER.

Mr. Broderick moved that five hundred copies of the message be printed.

Mr. Robinson moved to lay the motion on the table.

Not agreed to.

Mr. Warner moved to strike out “five hundred.”

Not agreed to.



Mr. Van Buren moved to strike out "five hundred" and insert "two hundred and fifty."

Mr. Walton moved to amend by inserting "one thousand."

The motion to strike out "five hundred" and insert "two hundred and fifty," was agreed to. So two hundred and fifty copies were ordered printed.

On motion of Mr. Estill, the Message was referred to a Select Committee of three, with instruction to report at as early a day as convenient.

The chair appointed as such Committee, Messrs. Estill, Ralston and Denver.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act changing the time for holding the terms of the District Court in the County of Yuba."

The report was adopted.

A message was received from the Governor, transmitting a communication from the Governor of the State of Alabama, and joint resolutions passed by the Legislature of that State, on the 6th of February, 1852, in reference to the construction of a Ship Canal across the Peninsula of Florida.

The message was read, and on motion of Mr. Cooke, referred to the Committee on Commerce and Navigation.

The President laid before the Senate the following communication :

APRIL 3d, 1852.

*To the Hon. Samuel Purdy, Lieutenant Governor and President of the Senate :*

SIR:—I herewith resign the office of Senator for the County of Tuolumne.

In common with many others, I passed from an excited political campaign to the Senate Chamber. I have witnessed with pride and pleasure, the disappearance from that honorable body of all party spirit in relation to our State interests, and the preservation there, of that other and better spirit which grows out of a true love for California. The honor of this is due to Whigs and Democrats, and presents a spectacle rarely exhibited in the councils of men.

In the same spirit, Sir, at the moment of separation, I must be allowed to say, that I part with you all with sincere regret, and the kindest wishes for your individual prosperity and happiness, and with the assurance I shall always be gratified whenever I have the good fortune to meet any of you again.

I have the honor to be, Sir, with great respect,

Your obedient servant,

A. ANDERSON.

On motion of Mr. Hubbs, the resignation was accepted and ordered to be spread upon the journal, and the Secretary was instructed to notify the Governor of the same.

A message was received from the Governor, informing the Senate that he had this day approved "an Act to change the time for holding the terms of the District Court of the County of Yuba."

Mr. Robinson gave notice that he would, on Monday, introduce a bill for an Act to amend the Charter of the City of Sacramento.

On motion the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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SENATE.

MONDAY, April 5, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday was read and approved.

Mr. Hubbs, on leave, introduced a bill for "an Act amendatory of an Act concerning the Office of Comptroller," passed January 19th, 1850, which was read a first and second time, the rules suspended, it was considered, engrossed, read a third time and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to fund the debt of the County of Calaveras, and provide for the payment thereof."

And a bill for "an Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor."

Report adopted.

Mr. McKibben presented the petition of numerous citizens of Yuba County, "irrespective of party, remonstrating against the passage of a bill now before the Legislature, which legalizes a system of contracts for the purpose of introducing foreign labor into this State." The petition was read, and

On motion of Mr. Robinson referred to the Committee on Mines and Mining Interests.

Mr. Robinson, on leave, introduced a bill for "an Act to incorporate the California Institute," which was read a first and second time and referred,

On motion of Mr. Walton, to a Select Committee. The chair appointed Messrs. Robinson and Keyser the Committee.

Mr. Estill presented the petition of citizens of Solano County, praying the Legislature to authorize Morgan Hart and William Moody to build a Wharf, at a point known as the Solano Embarcadero in said County. The petition was referred to Messrs. Estill and Cooke.

Mr. Keene moved that a Committee of Conference (to consist of three) on the disagreeing vote of the two houses on Senate resolution to divide the contingent fund, be appointed, which was agreed to. The chair appointed Messrs. Keene, Fry and Foster.

On motion of Mr. McKibben, Senate bill for "an Act to create the Coun-

ty of Sierra and establish the seat of Justice therein : to define its boundaries, and provide for its organization," was taken from the table, read a third time and passed.

On motion of Mr. Cooke, Assembly bill for "an Act concerning the Supreme Court," was taken from the table, read a third time and passed as amended. The Secretary was instructed to report the same to the Assembly forthwith.

Mr. Cooke, from the Judiciary Committee, reported back Senate bill "to repeal sections forty-one and forty-two of the Act concerning Crimes and Punishments," passed April 16th, 1850, and recommended its passage.

The Senate refused to pass the bill by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Keyser,  
Lewis,

Messrs. Miller,  
Roach,  
Robinson,  
Van Buren—8.

#### NAYS.

Messrs. Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lind,

Messrs. Lott,  
Ralston,  
Sprague,  
Tingley,  
Walton,  
Warner—12.

Mr. Cooke gave notice that he would move a re-consideration of the vote to-morrow.

Mr. Lott from the Committee on Claims, reported back Assembly bill for "an Act to authorize the Comptroller of State to settle the accounts of Tuolumne County," recommended its indefinite postponement, and that leave be granted to withdraw the same.

The report was adopted.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento City, April 5, 1852.

*To the Senate and Assembly of the  
State of California :*

I have the honor herewith to transmit a report and resolutions adopted at a meeting of citizens of this State, held in Washington City, D. C., in reference to the block of Gold bearing Quartz furnished by the State of California, to be placed in the Washington National Monument.

JOHN BIGLER.

Mr. Keene moved the reference of the message and report to a Select

Committee of three, which was agreed to, and the chair appointed as such Committee, Messrs. Keene, Lind and Miller.

Mr. Estill moved to take up Assembly bill for "an Act respecting fugitives from labor, and slaves brought to this State, prior to her admission into the Union," which was not agreed to.

Assembly bill for "an Act recommending the electors to vote for or against calling a convention to revise and change the entire Constitution of this State," being the special order for this day, then came up for consideration.

On motion of Mr. Van Buren, it was laid upon the table.

Mr. Van Buren moved to take up Senate bill "exempting the members of legally organized Fire Companies, and Uniformed Militia Companies from service upon Juries."

Not agreed to.

Mr. Broderick (Mr. Cooke in the chair) moved to take up Assembly bill for "an Act respecting fugitives from labor and slaves brought into this State, prior to her admission into the Union," which was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the same.

Mr. Estill moved a call of the Senate, which was lost by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,

Messrs. Miller,  
Robinson,  
Tingley,  
Wambough—9.

#### NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,

Messrs. Lott,  
Ralston,  
Roach,  
Sprague,  
Van Buren,  
Walton—12.

Mr. Keyser moved to adjourn, which was not agreed to by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
30

Messrs. Lind,  
Miller,  
Roach,  
Robinson,  
Tingley—11.



## NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Hubbs,  
Lott,  
Ralston,

Messrs. Sprague,  
Van Buren,  
Walton,  
Warner,  
Wambough—11.

Mr. Robinson moved a call of the Senate, which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Foster,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Miller,  
Roach,  
Robinson,  
Tingley,  
Warner,  
Wambough—13.

## NAYS.

Messrs. Broderick,  
Cooke,  
Fry,  
Lind,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton—9.

Absent Messrs. McKibben and Soule.

The Sergeant-at-Arms was ordered to bring the absentees within the bar of the Senate.

Mr. Broderick moved that further proceedings under the call be suspended, which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,

Messrs. Lott,  
Ralston,  
Sprague,  
Van Buren,  
Walton,  
Wambough—12.

## NAYS.

Messrs. Denver,  
Estill,

Messrs. Miller,  
Roach,

Messrs. Keene,  
Keyser,  
Lewis,

Messrs. Robinson,  
Tingley,  
Warner—10.

Mr. Robinson moved to adjourn, which was lost by the following vote :

AYES.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,

Messrs. Miller,  
Roach,  
Robinson,  
Tingley,  
Wambough—10.

NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,

Messrs. Lott,  
Ralston,  
Sprague,  
Van Buren,  
Walton,  
Warner—12.

The Senate proceeded with the consideration of the bill.

Mr. Miller moved to adjourn. Lost.

Mr. Keene, on leave, submitted the report of the Committee of Conference, on the disagreeing vote of the two houses upon the division of the contingent fund. The Committee recommend that the Assembly recede from their amendment.

The report was adopted.

A message was received informing the Senate that the Assembly this day passed a bill for "an Act to provide for levying, assessing and collecting the Public Revenue."

And that the Assembly this day receded from its amendment to Senate concurrent resolution to divide the contingent fund.

The Senate, after spending some time in Committee of the Whole on Assembly bill, respecting fugitives from labor and slaves brought into this State prior to her admission into the Union, rose, and reported it back with an amendment, which was concurred in by the following vote :

AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Sprague,  
Van Buren,  
Walton,  
Warner,  
Wambough—14.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Miller,

Messrs. Roach,  
Robinson,  
Tingley—7.

Mr. Broderick moved to strike out the following words in the fourth section: "admission of this State as one of the United States of America." And insert, "previous to the adoption of the Constitution of the State of California." And while considering this,

On motion of Mr. Estill, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

TUESDAY, April 6, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Monday was read and approved.

Mr. Cooke, from the Judiciary Committee, reported back Senate bill for "an Act concerning fees of office," with amendments, and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Lott, from the Committee on Claims, reported back for the consideration of the Senate, Assembly bill "an Act for the relief of John G. Marvin."

The report was accepted and the bill laid upon the table.

A message was received from the Assembly, informing the Senate that the Assembly passed on Saturday last—

"An Act to provide for the appointment of a Guager for the Port of San Francisco:"

"An Act to regulate the Terms of the District Court of the Tenth Judicial District:"

"An Act for the relief of Craycroft and Company; Delmas, Garnesett and Company; and others."

Assembly bill for "an Act to provide for the appointment of a Guager for the Port of San Francisco," was read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill for "an Act to regulate the Terms of the District Court of the Tenth Judicial District," was read a first and second time and referred to the Judiciary Committee.

Assembly bill for "an Act for the relief of Craycroft and Company ; Delmas, Garnesett and Company ; and others," was read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Tingley, Assembly bill entitled "an Act to provide for levying, assessing and collecting the Public Revenue," was made the special order of the day for Thursday next at 12 o'clock, and to be considered the regular order of the day until finally disposed of by the Senate.

Mr. Fry, on leave, introduced a bill for "an Act concerning escheated Estates," which was read a first and second time and laid upon the table.

On motion of Mr. Hubbs, the vote yesterday upon Senate bill for "an Act amendatory of an Act concerning the office of Comptroller," passed January 16th, 1850, was re-considered.

The bill was then put upon its passage and lost.

Mr. Broderick, on leave, introduced a bill for "an Act concerning the offices of Comptroller and Treasurer of State," which was read a first and second time and laid upon the table.

Mr. Tingley, on leave, introduced a "Joint Resolution on the subject of the Compromise Measures adopted by Congress on the subject of Slavery," which was read a first and second time, and objections being made to a third reading by Mr. Van Buren, it was laid upon the table.

Mr. Robinson, on leave, introduced a bill for "an Act to prevent certain officers from dealing in certain securities or evidences of debt," which was read twice and referred to the Judiciary Committee.

Mr. Sprague, on leave, introduced a bill for "an Act to amend the eighteenth and twenty-second sections of an Act entitled 'an Act to apportion the Senatorial and Assembly Districts,' " passed May 1st, 1851, which was read twice and referred to the Judiciary Committee.

Mr. McKibben, from the Joint Committee on Enrollments, reported as correctly enrolled "an Act concerning the Supreme Court ;"

"Resolutions of Instruction in relation to levying and collecting a tonnage tax for Hospital purposes ;"

Also, "Joint Resolutions of Instruction relative to Volunteers informally enlisted in the United States service ;"

And "Joint Resolutions in regard to Mail contracts."

The report was adopted.

The Senate then, as in Committee of the Whole, proceeded to the consideration of the special order of the day, being Senate bill for "an Act to provide for the protection of foreigners and to define their liabilities and privileges."

After some time spent in considering the same, Mr. Estill moved to lay it upon the table, which was agreed to by the following vote :

AYES.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Tingley,  
Warner—11.



## NAYS.

Messrs. Broderick,  
Fry,  
Lind,  
Lott,  
Ralston,

Messrs. Sprague,  
Van Buren,  
Walton,  
Wambough—9.

Mr. Estill moved (Mr. Lind in the chair,) to take up Assembly bill for “an Act respecting Fugitives from Labor and Slaves brought to this State prior to her admission into the Union,” which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Tingley,  
Warner,  
Wambough—13.

## NAYS.

Messrs. Broderick,  
Lind,  
Lott,  
Ralston,

Messrs. Sprague,  
Van Buren,  
Walton—7.

So the bill was taken up, and while considering the same—

On motion of Mr. Broderick, a call of the Senate was ordered and the following Senators were absent :

Messrs. Foster, Keyser, Snyder and Soule.

On motion of Mr. Broderick, Messrs. Snyder and Soule were excused from the action of the call.

The Sergeant-at-Arms was ordered to bring the absentees within the bar of the Senate.

Mr. Estill moved to suspend further proceedings under the call, which was not agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Hubbs,

Messrs. Keene,  
Lewis,  
Wambough—6.

## NAYS.

Messrs. Broderick,  
Cooke,  
Fry,  
Lind,  
Lott,  
McKibben,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Warner—15.

Mr. McKibben moved to adjourn, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Keene,  
Lind,

Messrs. Lott,  
McKibben,  
Tingley—7.

## NAYS.

Messrs. Denver,  
Estill,  
Foster,  
Fry,  
Lewis,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Sprague,  
Van Buren,  
Walton,  
Warner,  
Wambough—14.

After some further discussion, a motion by Mr. Estill to adjourn was neg-  
ated by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Lind,

Messrs. McKibben,  
Miller,  
Roach,  
Robinson,  
Tingley—10.

## NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lewis,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Warner,  
Wambough—12.

The discussion was continued, Mr. Estill having the floor.

Mr. Van Buren rose to a point of order.

Mr. Estill took his seat and Mr. Van Buren stated his point: That Mr. Estill was out of order because he did not confine himself to the subject before the Senate.

The chair sustained the point of order.

Mr. Broderick then moved to adjourn.

Mr. Estill insisted that the motion to adjourn was out of order, he having only taken his seat in obedience to the rule when a point order is raised.

The President decided that the motion to adjourn was in order, as he recognized Mr. Broderick as having the floor.

Mr. Estill appealed from this decision, and the question being—"Shall the decision of the chair stand as the judgment of the Senate?" it was decided in the affirmative.

The question then recurring on the motion to adjourn, it was decided carried, and the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, April 7, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The journal of Tuesday was read and approved.

Mr. Van Buren from the Select Committee, to whom was referred certain resolutions of the Legislature of New Jersey, relating to the Compromise Measures of Congress, and resolutions upon the same subject introduced by himself, reported a series of resolutions approving of the Compromise Measures of the last Congress.

The report was accepted, the resolutions read a first and second time, and laid on the table.

The resolutions upon the same subject, introduced yesterday by Mr. Tingley, were also read for information, on motion of Mr. Keene.

A message was received informing the Senate that the Assembly passed on yesterday, Senate Joint Resolutions for the passage of a law by Congress allowing drawback to the shippers of Pig and Bloom Iron into this State, with an amendment as therein noted:

And that the Assembly on the same day concurred in the Senate amendment to Assembly bill for "an Act concerning the Supreme Court."

On motion of Mr. Tingley, the Senate refused to concur in the Assembly amendment to Joint Resolution for the passage of a law by Congress, allowing drawback to the shippers of Pig and Bloom Iron into this State.

Mr. Lott, from the Committee on Claims, reported back Assembly bill for

the relief of M. Dougherty, and recommended its passage. The bill was amended, read a third time and passed, and the Secretary instructed to transmit the same to the Assembly forthwith.

A message was received from the Assembly, informing the Senate that the Governor did on Saturday last approve "an Act entitled an Act for the relief of James L. Bolen;"

"An Act entitled an Act to amend the seventeenth section of the Act concerning Forceful Entry and Unlawful Detainer;"

Also, resolution granting leave of absence to W. Van Voorhies, Secretary of State;

And that the Assembly passed on the 6th instant, Senate bill for "an Act to legalize Acknowledgments of Deeds taken before, and certified by County Recorders;"

And a bill entitled "an Act to appoint Commissioners to lay out a State Road;"

And a bill for "an Act for the relief of Thomas H. Coates."

Assembly bill for the relief of Thomas H. Coates was then read a first and second time, amended, read a third time and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act for the relief of Insolvent Debtors and protection of Creditors;"

Also, a bill for "an Act to create the County of Sierra, and establish the seat of Justice therein; to define its boundaries and provide for its organization."

The report was adopted.

On motion of Mr. Ralston, Senate bill for "an Act to authorize the prosecution of suits in certain cases by Executors and Administrators, without the payment of costs in advance;"

And to repeal "an Act entitled an Act concerning the fees of Public Administrators," passed April 28th, 1851, was taken under consideration.

Mr. Van Buren moved to strike out the second section as follows:

"The Act entitled "an Act concerning Public Administrators," passed April 28th, 1851, is hereby repealed.

On which the ayes and nays were demanded with the following result:

#### AYES.

Messrs. Fry,  
Hubbs,  
Miller,

Messrs. Snyder,  
Van Buren,  
Warner—6.

#### NAYS,

Messrs. Broderick,  
Denver,  
Estill,  
Foster,  
Keyser,  
Lewis,

Messrs. Ralston,  
Roach,  
Robinson,  
Sprague,  
Tingley—11.

So the motion to strike out was lost,



Mr. Van Buren then moved the indefinite postponement of the bill, which was lost by the following vote :

## AYES.

Messrs. Estill,  
Hubbs,

Messrs. Miller,  
Van Buren—4.

## NAYS.

Messrs. Broderick,  
Denver,  
Foster,  
Fry,  
Keyser,  
Lewis,  
Lind,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Sprague,  
Tingley,  
Walton,  
Warner,  
Wambough—16.

Mr. Van Buren then moved its reference to the Judiciary Committee, which was not agreed to.

Mr. Ralston moved that the bill be ordered engrossed for a third reading, which was carried by the following ayes and nays :

## AYES.

Messrs. Broderick,  
Denver,  
Foster,  
Fry,  
Keyser,  
Lewis,  
Lind,

Messrs. Ralston,  
Roach,  
Robinson,  
Sprague,  
Tingley,  
Warner,  
Wambough—14.

## NAYS.

Messrs. Estill,  
Hubbs,  
Miller,

Messrs. Snyder,  
Van Buren,  
Walton—6.

Assembly bill entitled "an Act to appoint Commissioners to lay out a State Road," was read a first and second time, and

On motion of Mr. Van Buren referred to the Committee on Roads and Highways.

Senate bill for "an Act for the relief of Insolvent Debtors and protection of Creditors," was read a third time and passed by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Foster,  
Hubbs,  
Keyser,  
Lewis,  
Lott,

Messrs. Miller,  
Ralston,  
Robinson,  
Snyder,  
Tingley,  
Warner—13.

## NAYS.

Messrs. Broderick,  
Fry,  
Keene,  
Lind,

Messrs. Sprague,  
Van Buren,  
Walton,  
Wambough—8.

Mr. Sprague moved to amend the title, with these words, "an Act to create a voluntary Bankrupt Law for the State of California," which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Keene,

Mr. Sprague—3.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Foster,  
Fry,  
Hubbs,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—19.

The Senate, as in Committee of the Whole, then took under consideration Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa volunteers in 12 per cent. bonds," having been made the special order for this day.

Mr. Lind moved to lay the bill upon the table, which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Keene,

Messrs. McKibben,  
Roach,  
Robinson,

Messrs. Keyser,  
Lewis,  
Lind,

Messrs. Tingley,  
Warner,  
Wambough—12.

NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Hubbs,  
Lott,  
Miller,

Messrs. Ralston,  
Snyder,  
Sprague,  
Van Buren,  
Walton—11.

Mr. Hubbs in the chair, the unfinished business of yesterday then came up for consideration, and the question being on the motion of Mr. Broderick, to strike out in section four of Assembly bill, for "an Act respecting fugitives from labor and slaves brought into this State prior to her admission into the Union:" the words, "admission of this State as one of the United States of America," and insert, "previous to the adoption of the Constitution of the State of California," the ayes and nays were demanded with the following result:

AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Lott,  
Ralston,

Messrs. Snyder,  
Sprague,  
Walton,  
Warner—9.

NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. McKibben,  
Miller,  
Roach,  
Robinson,  
Tingley,  
Van Buren,  
Wambough—15.

So the Senate refused to strike out.

Mr. Ralston then moved to strike out all after the enacting clause, and insert the following:

Section 1. Hereafter no black or mulatto person not being a citizen of the United States shall be permitted to settle or reside in this State, or hold any property, personal or real, within the jurisdiction of this State. They shall not be allowed to sue in any of the courts of this State, or to transfer, assign, or in any manner dispose of any property, or rights in action to another.

Section 2. Every negro or mulatto, now residing, or being in the State, not being a citizen of the United States, shall be required to give bond with good surety in the sum of one thousand dollars, conditioned that such person will at all times deport him or herself in a decent and orderly manner, and strictly obey the law, and that such person, or his or her family, will never become a charge upon the State, or any county, city, or municipal corporation thereof for support; such bond shall be made to the State of California, approved by the county judge, and filed as a record in the county court. If the surety on such bond should at any time become insufficient, die, or remove from the State, it shall be the duty of the county judge to require such negro, or mulatto person, to give new and sufficient surety as aforesaid.

Section 3. If at any time any of the conditions of such bond shall be violated, the whole penalty thereof shall be forfeited, and it shall be the duty of the district attorney to sue for the same, for the use of the county in which the same is filed.

Section 4. No negro or mulatto person, as aforesaid, who fails to comply with the provisions of the second section of this Act, shall be permitted to hold, transmit, assign, or dispose of any property, or to sue in any court of law of this State for any cause whatever.

Which was lost by the following ayes and nays :

AYES.

Messrs. Cooke,  
Lott,

Messrs. Ralston,  
Sprague—4.

NAYS.

Messrs. Broderick,  
Denver,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—19.

Mr. Walton moved to strike out in the fourth section, the following words: "provided the provisions of this section shall not have force and effect after the period of twelve months from the passage of this Act." On which the ayes and nays were demanded, with the following result :

AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Foster,

Messrs. Lott,  
Ralston,  
Sprague,  
Walton,



Messrs. Lewis,  
Lind,

Messrs. Warner,  
Wambough—12.

## NAYS.

Messrs. Denver,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Van Buren—12.

And the motion to strike out was lost.

Mr. Fry moved to lay the whole matter upon the table.  
The motion was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lind,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Warner—11.

## NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Wambough—13.

Mr. Van Buren moved that the Senate adjourn, which was not agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Fry,  
Lind,  
Lott,

Messrs. McKibben,  
Snyder,  
Van Buren,  
Walton—8.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,

Messrs. Miller,  
Ralston,  
Roach,

Messrs. Foster,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Robinson,  
Sprague,  
Tingley,  
Warner,  
Wambough—16.

Mr. Roach moved that the Senate take a recess until half past seven o'clock, which was agreed to by the following ayes and nays:

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Roach,  
Snyder,  
Walton,  
Warner—13.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
Miller,

Messrs. Robinson,  
Sprague,  
Tingley,  
Van Buren,  
Wambough—11.

So the Senate took a recess until half past seven o'clock, P. M.

## EVENING SESSION.

The Senate reassembled at half past seven o'clock.

President in the chair.

Mr. Van Buren moved to adjourn, on which the ayes and nays were demanded, and resulted as follows:

## AYES.

Messrs. Broderick,  
Estill,  
Keene,  
Keyser,  
Lind,  
Miller,

Messrs. Sprague,  
Tingley,  
Van Buren,  
Walton,  
Warner—11.

## NAYS.

Messrs. Cooke,  
Denver,

Messrs. Ralston,  
Roach,

Messrs. Hubbs,  
Lewis,  
McKibben,

Messrs. Robinson,  
Snyder—9.

And the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, April 8, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Wednesday was read and approved.

Mr. Fry, presented the petition of George R. Nesbit, praying the Legislature to refund him one hundred and five dollars, paid by him in September, 1850, to the Collector of Foreign Taxes, as he was then a naturalized citizen of the United States.

The petition, and the certificate of the State Treasurer accompanying it, were read, and, on motion of Mr. Tingley, laid upon the table for the present.

Mr. Cooke, from the Judiciary Committee, reported back "an Act to prevent certain officers from dealing in certain securities or evidences of debt," and recommended its passage.

Also, "an Act concerning escheated estates," recommending its passage with amendments.

The report was accepted and laid upon the table.

A message was received from the Assembly, informing the Senate that the Governor, did, on Monday last, sign an Act entitled,

"An Act concerning the Supreme Court."

Also, Joint Resolution of Instruction to our Senators and Representatives in Congress, relative to the levying and collecting a tonnage tax for Hospital purposes."

Also, "Joint Resolutions in regard to Volunteers informally enlisted in the United States Service."

And that the Assembly passed on the 6th instant, a "Concurrent Resolution fixing the 19th inst., as the day of adjournment.

And passed, yesterday, a Concurrent Resolution, to appoint a Committee of the two Houses, to report what shall be done with a bill passed by both Houses, but incorrectly enrolled, and that Messrs. McMullen, Lyons, and Coffroth, are the Committee on the part of the Assembly.

The Senate refused to concur in the resolution to appoint a Committee to report on the bill incorrectly enrolled.

Mr. McKibben, from the Joint Committee on Enrollments, submitted the following report in relation to the bill mentioned in the foregoing resolution :

*Mr. President :*

The Joint Committee on Enrollments, have examined "an Act to amend an Act entitled an Act to incorporate the City of Sacramento."

Your Committee find that the spirit and intention of such Act is totally compromised by circumstances of delay which have attended the passage of said Act, and beg leave to offer the following amendment to section second, which reads as follows : "This Act shall take effect from and after the first Monday in April next," is hereby amended so as to read : section two, "This Act shall take effect from and after its passage."

Your Committee most respectfully submit the above report and urge its adoption.

JOSEPH C. McKIBBEN,  
Senate.  
E. W. COLBY,  
Assembly.

The report was accepted and laid upon the table.

Mr. McKibben, from the Committee on Enrollments, reported as correctly enrolled :

"An Act for the relief of Jesse D. Carr," and a

"Joint resolution in relation to the establishment of a Branch Mint of the United States, in this State."

The report was adopted.

Assembly "Concurrent Resolution fixing the 19th inst., as the day of adjournment," was, on motion of Mr. Van Buren, laid upon the table.

Mr. Cooke, from the Select Committee, reported back Assembly bill for "an Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, with the following amendments :

In section first, strike out all after the eighth line, and insert the words, "northerly direction to the east side of Chimilles or Corral Valley, thence in a direct line to the east side of Berreyellessa's Valley ; thence along the eastern side of said Valley to the northern end of said Valley ; thence in a northwesterly direction to the outlet of Clear Lake ; thence up the middle of said Lake to its head ; thence in a westerly direction to the northeast corner of Sonoma County ; thence south along the eastern line of said County."

The report was concurred in ; the bill read a third time and passed as amended.

Mr. Lott, from the Committee on Claims, reported back Assembly bill "for the relief of E. J. C. Kewen," for the consideration of the Senate.

The report was accepted.

Mr. Cooke, on leave, introduced a bill for "an Act for the relief of Nathan Coombs, of the County of Napa," which was read a first and second time ; the rules suspended, considered, engrossed, read a third time and passed.

Mr. Lott, on leave, introduced a bill for "an Act amendatory of section first of an Act, for the relief of C. C. Richmond," which was read a first



and second time; the rules suspended, it was considered, engrossed, read a third time, and passed by the following vote:

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walton—17.

## NAYS.

Messrs. Ralston,  
Van Buren,

Messrs. Warner,  
Wambough—4.

On motion of Mr. Soule, Assembly bill for "an Act for the relief of E. J. C. Kewen," was taken up.

Mr. Broderick moved to lay the the bill upon the table.

The motion was lost.

Mr. Cooke renewed the motion to lay on the table, and it was carried.

Mr. Cooke then introduced a resolution, which was adopted, requesting the Comptroller to furnish to the Senate a statement of the items of account on his books against and in favor of Col. Kewen, late Attorney-General of this State.

Mr. Walton, on leave, introduced a bill for "an Act for the relief of William Rodgers," which was read a first and second time and referred to the Committee on Claims.

Assembly bill for "an Act to provide for levying, assessing, and collecting the public Revenue," made the special order for to-day, was taken up.

On motion of Mr. Van Buren, it was laid upon the table until 7½ o'clock.

Mr. Tingley, on leave, introduced a bill for "an Act providing for the collection of the Geological, Botanical, and Agricultural productions of California, and the preservation thereof," which was read a first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Hubbs, Assembly bill for "an Act for the relief of J. G. Marvin," was taken up, and, on motion of Mr. Cooke, it was again laid on the table.

Assembly bill for "an Act respecting Fugitives from labor, and Slaves brought into this State prior to her admission into the Union," being the unfinished business, was then taken under consideration.

On motion of Mr. Broderick, a call of the Senate was ordered, and on the roll being called, Messrs. Keyser and McKibben were absent.

The Sergeant-at-Arms was despatched for the absentees.

On motion of Mr. Broderick the call was temporarily suspended.

Mr. Hubbs moved to lay the special order of the day upon the table.

Lost.

Messrs. McKibben and Keyser appeared and took their seats.

Mr. Broderick moved to strike out the fourth section of the bill which was not agreed to, by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Lott,

Messrs. Ralston,  
Sprague,  
Walton,  
Warner—8.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Wambough—17.

Mr. Wambough moved the adoption of the following proviso :

*Provided*, that nothing in this Act shall be so construed as to give the claimant or owner, his agent or attorney, the right to hold such person or slave, so claimed, to involuntary servitude during the time they may be kept or detained according to this act, within this State, or receive any of the benefits arising from the involuntary servitude of any person so claimed, after the passage of this Act. *Provided*, further, that this Act shall cease to be in force and effect, from and after the first of May, 1853.

Mr. Lewis moved to strike out the word "Act," and insert "section."  
Lost.

Mr. Van Buren offered the following as a substitute to Mr. Wambough's proviso :

That every owner of a slave who shall have reclaimed him under the provisions of this Act, shall be required to file a bond in the office of the County Clerk, of the County where the slave is taken, conditioned in the sum of one thousand dollars, with two securities to be approved by the County Judge or Officer before whom complaint is made, for the removal of said slave from the State, within ninety days after his reclamation.

Which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Fry,  
Lind,  
Snyder,

Messrs. Soule,  
Sprague,  
Van Buren,  
Warner—9.

## NAYS.

Messrs. Denver,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,  
Robinson,  
Tingley,  
Walton,  
Wambough—16.

Mr. Van Buren then offered, as a substitute to Mr. Wambough's proviso :  
That nothing contained in this Act shall be so construed as to allow the claimant of any slave, to hold such slave in servitude in this State, after his reclamation under the provisions of this Act, except for the purpose of removing such slave from the State.

Which was agreed to by ayes and nays as follows :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—17.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,

Messrs. Lewis,  
Robinson,  
Warner,  
Wambough—8.

The question then recurring on the adoption of the substitute as an amendment to the bill, the ayes and nays were demanded with the following result :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lind,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—17.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,

Messrs. Lewis,  
Robinson,  
Warner,  
Wambough—8.

So the substitute was adopted.

Mr. Broderick offered the following amendment, and moved its adoption :

Provided : That any person held to labor in any other State or Territory, who was brought into this State previous to her admission into the Union, under a contract or agreement with his master, by the terms of which the person so held to labor should, in consideration of certain services, have his freedom, and has fully complied on his part with the conditions of said contract or agreement, then and in such cases, the person so held to labor shall not be deemed a fugitive from labor, within the meaning of this Act.

Mr. Lewis moved the previous question, which was not sustained.

The question recurring on Mr. Broderick's amendment, it was rejected by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lott,

Messrs. Ralston,  
Snyder,  
Sprague,  
Walton,  
Warner—10.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Wambough—14.

Mr. Cooke moved the adoption of the following, as an amendment to this bill :

Any person arrested or taken into custody under the provisions of this Act, shall be entitled to the same rights and privileges to be heard by counsel, and the same right to enforce and procure the attendance of witnesses, as persons under arrest, charged with the commission of crime.

Mr. Hubbs moved that the Senate take a recess until 7½ o'clock P. M., which was lost by the following vote :



## AYES.

Messrs. Broderick,  
Hubbs,  
Lind,  
Lott,

Messrs. McKibben,  
Snyder,  
Warner—7.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Foster,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—18.

Mr. McKibben moved that further proceedings under the call of the Senate, be suspended. Lost.

The question recurring on Mr. Cooke's amendment, it was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Warner—11.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Wambough—14.

(Mr. Hubbs in the Chair.)

Mr. Estill moved the previous question, which was not sustained.

Mr. Ralston moved the adoption of the following proviso :

Provided : This Act shall not be so construed as to authorize the capture or removal from the State, of any person who by the Constitution of the State is entitled to his or her freedom. And any person held by virtue of any process issued in pursuance of this Act, shall have the right to assert

his or her freedom, and to have the truth and legality thereof adjudicated upon before the District Courts, before he shall be removed from the State.

Mr. Robinson moved a call of the Senate, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,

Messrs. Lewis,  
Lind,  
Lott,  
Ralston,  
Robinson—10.

## NAYS.

Messrs. Estill,  
Keene,  
Keyser,  
McKibben,  
Roach,

Messrs. Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—10.

Mr. Broderick moved a call of the Senate.

Mr. Sprague moved to lay the motion for a call upon the table, which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
Miller,  
Roach,  
Robinson,  
Sprague,  
Tingley,  
Warner,  
Wambough—15.

## NAYS.

Messrs. Broderick,  
Cooke,  
Lott,  
Ralston,

Messrs. Soule,  
Van Buren,  
Walton—7.

Mr. Broderick moved an adjournment, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Lind,

Mr. Lott—3.

## NAYS.

Messrs. Cooke,  
 Denver,  
 Estill,  
 Foster,  
 Fry,  
 Hubbs,  
 Keene,  
 Lewis,  
 Miller,  
 Ralston,

Messrs. Roach,  
 Robinson,  
 Soule,  
 Sprague,  
 Tingley,  
 Van Buren,  
 Walton,  
 Warner,  
 Wambough—19.

Hereupon Mr. Ralston withdrew his proviso, leave being granted.

Mr. Wambough then introduced the following preamble :

*Whereas*, The second section of the fourth article of the Constitution of the United States, declares that no person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, " be discharged from such service or labor, but shall be delivered up on claim of the party to whom such labor or service may be due;" and,

*Whereas*, No Statute Law of the State of California is now in force within this State, whereby the protection pledged by this provision of the Constitution to the Southern States of this Union can be carried out ; and,

*Whereas*, It is the duty of those who reap the largest measure of benefits conferred by the Constitution, to recognize, to their full extent, the obligations which that instrument imposes ; and,

*Whereas*, It is the deliberate conviction of the Senate and Assembly of the State of California, that the Constitution can only be sustained, as it was framed, in a just and equitable compromise ; therefore—

Mr. Robinson rose to a point of order, which he stated as follows :

" That no preamble to a bill can be acted upon until the *whole* bill has been acted on."

The chair (Mr. Hubbs) sustained the point of order.

Mr. Broderick appealed from this decision, and on the question " shall the decision of the chair stand as the judgment of the Senate," the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
 Estill,  
 Foster,  
 Miller.

Messrs. Robinson,  
 Soule,  
 Tingley—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
Fry,  
Keene,  
Lewis,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Wambough—11.

So the decision of the chair was not sustained.

Mr. Wambough moved the adoption of the preamble.

Mr. Broderick moved to strike out all after the first clause in the preamble, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lott,

Messrs. Ralston,  
Snyder,  
Sprague,  
Van Buren—9.

## NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Robinson,  
Soule,  
Tingley,  
Wambough—12.

The question then recurring on the adoption of the preamble, it was rejected by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Keyser,  
Lewis,

Messrs. Miller,  
Roach,  
Robinson,  
Wambough—8.

## NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Keene,  
Lott,  
McKibben,

Messrs. Ralston,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—15.

Mr. Estill moved the previous question, which was sustained.



The question then being, "shall the main question be now put and the bill go to a third reading," it was decided in the affirmative by the following ayes and nays :

## AYES.

Messrs. Denver,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley,  
Walton—15.

## NAYS.

Messrs. Broderick,  
Cooke,  
Fry,  
Lott,

Messrs. Ralston,  
Snyder,  
Van Buren,  
Wambough—8.

The main question was then put, "shall the bill be read a third time," and it was decided in the affirmative by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Roach,  
Robinson,  
Soule,  
Tingley—12.

## NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lott,  
Ralston,

Messrs. Snyder,  
Sprague,  
Van Buren,  
Walton,  
Wambough—11.

The bill was then read a third time.

Mr. Van Buren moved a call of the Senate, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,

Messrs. Ralston,  
Snyder,

Messrs. Foster,  
Fry,  
Hubbs,  
Lott,

Messrs. Van Buren,  
Walton,  
Wambough—11.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Tingley—12.

Mr. Broderick moved that that the Senate adjourn, which was lost by the following vote :

## AYES.

Messrs. Cooke,  
Foster,  
Lind,

Messrs. Lott,  
Ralston,  
Van Buren—6.

## NAYS.

Messrs. Broderick,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
McKibben,  
Miller,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Wambough—17.

Mr. Broderick then moved a call of the Senate, and the motion was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lott,  
Ralston,

Messrs. Snyder,  
Sprague,  
Van Buren,  
Walton,  
Wambough—11.

## NAYS.

Messrs. Denver,  
Estill,

Messrs. McKibben,  
Miller,

Messrs. Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Roach,  
Robinson,  
Soule,  
Tingley—12.

A motion was then made by Mr. Broderick to adjourn, and lost by ayes and nays as follows :

AYES.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,

Messrs. Lott,  
Ralston,  
Sprague,  
Van Buren,  
Wambough—10.

NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
McKibben,  
Miller,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walton—13.

Mr. Tingley then moved the previous question, which was sustained.

The question then being "shall the main question be now put," it was decided in the affirmative by the following ayes and nays :

AYES.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley—12.

NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Hubbs,  
Lott,

Messrs. Ralston,  
Sprague,  
Van Buren,  
Walton,  
Wambough—11.

The main question was then put, "shall the bill be now passed," on which the ayes and nays were again demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Wambough—14.

## NAYS.

Messrs. Broderick,  
Cooke,  
Foster,  
Fry,  
Lott,

Messrs. Ralston,  
Snyder,  
Sprague,  
Walton—9.

So the bill was passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for

“An Act to authorize the prosecution of suits in certain cases by Executors and Administrators without the payment of costs in advance, and to repeal an Act concerning Public Administrators, passed April 28th, 1851 ;” also, a bill for

“An Act amendatory of section fourth of an Act for the relief of C. C. Richmond.”

Mr. Walton moved a call of the Senate, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Fry,  
Lott,

Messrs. Snyder,  
Van Buren,  
Walton,  
Wambough—8.

## NAYS.

Messrs. Denver,  
Estill,  
Foster,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,  
Soule,  
Sprague,  
Tingley—14.

A motion was then made by Mr. Wambough that the Senate adjourn, and carried by ayes and nays as follows :



## AYES.

Messrs. Broderick,  
Keyser,  
Lott,  
McKibben,  
Miller,  
Ralston,  
Snyder,

Messrs. Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Wambough—13.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Lewis,  
Roach,  
Robinson—9.

So the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

FRIDAY, April 9, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Thursday was read and approved.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall;"

"An Act for the relief of J. K. Shafer;"

"Joint Resolution granting leave of absence to Wm. R. Turner, Judge of the Eighth Judicial District;"

"An Act for the relief of Charles T. Botts;"

"An Act supplementary to the Act Incorporating the City of Marysville;"

"An Act in relation to State Prison Convicts;"

"An Act for the relief Thomas H. Coates;"

"An Act for the relief of M. C. Dougherty."

The report was adopted.

Mr. Lott, from the Committee on Claims, to whom was referred the ac-

count of Lorenzo Hubbard, reported the same back, with a bill for "an Act for the relief of Lorenzo Hubbard," which was read a first and second time, and, on motion of Mr. Tingley, laid upon the table.

On motion of Mr. Broderick, the bill for "an Act concerning fees in office," was taken from the table.

Mr. Broderick moved to adopt the amendments to the bill reported by the Committee, which was lost by the following vote :

## AYES.

Messrs. Hubbs,  
Robinson,

Mr. Warner—3.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,  
Snyder,  
Sprague,  
Tingley,  
Warner—17.

Mr. Cooke gave notice that he would on to-morrow move a re-consideration of the vote just taken, and therefore the bill was laid upon the table.

On motion of Mr. Hubbs, Assembly bill for "an Act for the relief of J. G. Marvin," was taken from the table.

Mr. Broderick moved to indefinitely postpone the bill.

Mr. Van Buren moved a call of the Senate, which was sustained ; and, on the roll being called, Messrs. Denver, Keyser, Lewis, Lind, Lott, McKibben, Snyder and Tingley, were absent.

On motion of Mr. Sprague, the call was temporarily suspended.

Mr. Sprague, from the Special Committee to whom was referred "an Act in relation to Licenses," reported the same back with amendment.

The report was accepted and laid on the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act for the relief of Nathan Coombs, of the County of Napa."

The report was adopted.

Mr. Van Buren, on leave, introduced a bill for "an Act to abolish the existing Charter of the City of Stockton and provide a new Charter for said city," which was read a first and second time and laid upon the table.

Mr. Van Buren presented the memorial of E. Waldron, praying relief for assistance rendered and provisions furnished the overland immigrants in 1850," which was read and referred to the Committee on Claims.

Mr. Denver, on leave, introduced a bill for "an Act for the appointment of Flour Inspectors," which was read a first and second time and referred to the Committee on Commerce and Navigation.

On motion of Mr. Hubbs, further proceedings under the call were dispensed with.

The question recurring on the motion of Mr. Broderick to indefinitely postpone the bill for the relief of J. G. Marvin, it was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Keyser,  
Lewis,

Messrs. Ralston,  
Roach,  
Robinson,  
Warner—8.

## NAYS.

Messrs. Denver,  
Hubbs,  
Keene,  
McKibben,  
Miller,

Messrs. Soule,  
Tingley,  
Van Buren,  
Walton—9.

Mr. Broderick moved a call of the Senate, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Keyser,  
Ralston,

Messrs. Roach,  
Robinson,  
Warner,  
Wambough—9.

## NAYS.

Messrs. Estill,  
Hubbs,  
Keene,  
Lewis,  
Lott,  
McKibben,

Messrs. Miller,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—12.

Mr. Cooke moved to amend the bill by inserting—

“Said sum of two thousand and thirty-six dollars, being paid to the said Marvin for two or three weeks’ attendance on the Board appointed to audit accounts against the State for services and supplies furnished in the war against the Indians in Mariposa County :” which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,

Messrs. Ralston,  
Robinson—4.

## NAYS.

Messrs. Denver,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lott,  
McKibben,  
Miller,

Messrs. Roach,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—16.

Mr. Broderick moved to amend by striking out "two thousand and thirty-six," and inserting "five hundred," which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Keyser,

Messrs. Ralston,  
Roach,  
Robinson—6.

## NAYS.

Messrs. Hubbs,  
Keene,  
Lewis,  
Lott,  
McKibben,  
Miller,  
Soule,

Messrs. Sprague,  
Tingley,  
Van Buren,  
Walton,  
Warner,  
Wambough—13.

Mr. Warner moved to strike out all after the enacting clause. Lost.

The bill was then read a third time, and, on the question—"Shall the bill pass?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Cooke,  
Denver,  
Hubbs,  
Keene,  
Lott,  
McKibben,

Messrs. Miller,  
Soule,  
Sprague,  
Tingley,  
Van Buren,  
Walton—12.

## NAYS.

Messrs. Broderick,  
Keyser,  
Lewis,  
Ralston,

Messrs. Roach,  
Robinson,  
Warner,  
Wambough—8.



Mr. Keene, from the Committee on Contingent Expenses, reported as correct the account of the Postmaster of Sacramento for \$517 51.

The report was adopted and the account ordered paid.

A message was received from the Governor, informing the Senate that he had this day signed—

“An Act for the relief of Jesse D. Carr.”

Also, “Joint Resolution in relation to the establishment of a Branch Mint in this State.”

Mr. Keene, from the Committee on Contingent Expenses, reported as correct the accounts of J. W. Serrano, \$52 50, and of Eugene Casserly, \$25 25, for translating certain documents into the Spanish language.

The report was adopted and the accounts ordered paid.

On motion of Mr. Wambough, leave of absence was granted to Mr. Fry for four days.

On motion of Mr. Tingley, leave of absence was granted Mr. Foster for the remainder of the session.

A message was received from the Assembly, informing the Senate that they passed on yesterday “an Act for the relief of Lafayette Maynard.”

The bill was then read a first and second time, and, on motion of Mr. Van Buren, referred to the Committee on Claims.

Mr. Van Buren moved that the memorial of E. Waldron, now in the hands of the Committee on Claims, be referred to a Select Committee of three.

Agreed to.

The chair appointed, as such Committee, Messrs. Van Buren, Broderick and Ralston.

On motion of Mr. Cooke, the Senate, as in Committee of the Whole, (Mr. Sprague in the chair.) took under consideration “an Act entitled an Act to enumerate the inhabitants of the State of California;” and having considered the same, reported it back to the Senate with amendments, which were concurred in, and the bill was ordered engrossed for a third reading.

On motion of Mr. Keyser, the bill for “an Act to amend an Act entitled an Act to regulate proceedings in Civil cases in the Courts of this State,” passed 29th April, 1851, was made the special order for Monday next, the 12th instant; and the bill for “an Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers,” was made the special order for Tuesday next, the 13th instant.

Mr. Warner submitted the following resolution:

*Resolved*, That on and after Monday next, 12th instant, the Senate will hold two sessions daily. The morning session to commence at 10, A. M.; the evening session at 7, P. M.; which was laid over under the rule.

The Senate then proceeded to the consideration of the bill for “an Act to authorize the prosecution of suits in certain cases by Executors and Administrators, without the payment of costs in advance, and to repeal ‘an Act concerning Fees of Public Administrators,’ ” passed April 28th, 1851.

The bill was read a third time; and on the question—“Shall the bill be now passed?” it was decided in the negative by the following vote:

## AYES.

Messrs. Keyser,  
Lewis,  
Ralston,  
Roach,

Messrs. Robinson,  
Sprague,  
Tingley—7.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Hubbs,

Messrs. Lind,  
Soule,  
Van Buren,  
Warner—8.

On motion of Mr. Keene, Assembly bill for "an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans," was taken from the table.

Mr. Van Buren moved that it be indefinitely postponed, which was not agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Ralston,

Messrs. Van Buren,  
Warner—5.

## NAYS.

Messrs. Denver,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lott,  
Miller,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walton—14.

Mr. Keene moved that the Senate non-concur in the amendments reported to the bill by the Committee on Claims, which was lost by the following vote :

## AYES.

Messrs. Estill,  
Hubbs,  
Keene,  
Keyser,

Messrs. Miller,  
Snyder,  
Soule,  
Tingley—8.

## NAYS.

Messrs. Broderick,  
Cooke,

Messrs. Roach,  
Robinson,

Messrs. Lewis,  
Lott,  
Ralston,

Messrs. Sprague,  
Van Buren,  
Warner—10.

Mr. Van Buren moved that the Senate concur in the amendments reported by the Committee on Claims, which was agreed to by the following vote :

AYES.

Messrs. Broderick,  
Cooke,  
Lewis,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Sprague,  
Van Buren,  
Warner—10.

NAYS.

Messrs. Estill,  
Hubbs,  
Keene,  
Keyser,

Messrs. Miller,  
Soule,  
Tingley,  
Walton—8.

Mr. Van Buren moved that the bill be now read a third time.

Mr. Hubbs moved a call of the Senate.

Not sustained.

Mr. Walton moved to take a recess until 7 o'clock.

The chair stated the question to be on taking a recess.

Mr. Van Buren moved, as a point of order, that a motion to take a recess could not be entertained, pending another motion.

The chair decided the motion to take a recess, to be in order.

Mr. Van Buren appealed from this decision ; and on the question—" Shall the decision of the chair be sustained ?" it was decided in the affirmative by the following vote :

AYES.

Messrs. Estill,  
Hubbs,  
Keene,  
Lewis,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walton—12.

NAYS.

Messrs. Broderick,  
Cooke,  
Lott,

Messrs. Van Buren,  
Warner—5.

The question then recurring on the motion to take a recess until 7 o'clock, P. M., it was agreed to by the following vote :

## AYES.

Messrs. Estill,  
Hubbs,  
Keene,  
Lewis,  
Miller,

Messrs. Roach,  
Robinson,  
Sprague,  
Tingley,  
Walton—10.

## NAYS.

Messrs. Broderick,  
Cooke,  
Keyser,  
Lott,  
Ralston,

Messrs. Snyder,  
Soule,  
Van Buren,  
Warner—9.

So the Senate took a recess until 7 o'clock, P. M.

## EVENING SESSION.

Senate re-assembled at 7 o'clock.

Mr. Keene, President *pro tem.*, in the chair.

Mr. Estill submitted the following resolution :

“ *Resolved*, That after to-morrow, no Senator be allowed to speak more than twice to the same subject, nor occupy more than ten minutes at any time.”

Which was read and laid over under the rule.

Mr. Lewis moved to lay on the table the bill for “an Act to provide for levying, assessing and collecting the Public Revenue,” made the special order for every day until finally disposed of, which was not agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Estill,  
Lewis,  
Lind,

Messrs. Sprague,  
Walton,  
Wambough—7.

## NAYS.

Messrs. Cooke,  
Denver,  
Hubbs,  
Keene,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Tingley,  
Warner—10.



The Senate then, as in Committee of the Whole, (Mr. Warner in the chair,) took the bill under consideration, and having made some progress thereon, rose—and, on motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

SATURDAY, April 10, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Tingley (Mr. Broderick in the chair) presented the memorial of Wm. Webster, asking for relief, which was read, and on motion of Mr. Van Buren, referred to the Committee on Claims.

Mr. Denver presented the petition of the "East Weaver Water Company," of Trinity County, praying a Charter for said Company, which was read and referred to the Committee on Corporations.

Mr. Lott, from the Committee on Claims, reported a bill for "an Act for the payment of freight to the steamer Empire." Report accepted, the bill read a first time, and laid on the table.

Mr. Ralston presented the petition of Thomas O. Selby, praying relief for heirs of A. Burgen, which was read and referred to the Committee on Indian Affairs.

On motion of Mr. Keene, leave was granted to withdraw the claim of Sacramento County for the keeping of State Prison convicts.

Mr. Lott, from the Committee on Claims, to whom was referred the bill for "an Act for the relief of Wm. Rogers, Sheriff of El Dorado County," reported the same back, and recommended its passage. The report was accepted, and the bill laid on the table.

Mr. Ralston, from the Committee on Corporations, to whom was referred the bill for "an Act to amend 'an Act concerning Corporations,' passed April 22d, 1850," reported the same back and recommended its passage.

The report was adopted, the bill read a third time, and on the question "shall the bill now be passed," the ayes and nays were demanded and resulted as follows:

## AYES.

Messrs. Broderick,  
Cooke,  
Hubbs,  
Keene,  
Keyser,  
Lott,  
Ralston,

Messrs. Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Warner—13.

## NAYS.

Mr. Van Buren—1.

So the bill was passed.

Mr. McKibben, from the Committee on Enrolled Bills, reported as correctly enrolled,

“An Act to prohibit the erection of Weirs or other obstructions to the run of Salmon;”

“An Act to authorize married women to transact business in their own name as sole traders;”

“An Act to authorize persons engaged in the United States Coast Survey upon the coast of California, to enter on lands within this State for the purposes of said survey; to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes.”

A message was received, informing the Senate that the Assembly, on yesterday, refused to recede from its amendments to Senate Joint Resolution in relation to drawbacks upon Pig and Bloom Iron;

And concurred in the amendments made by the Senate to the following bills:

An Act respecting fugitives from labor and Slaves brought to this State prior to her admission into the Union; and passed on yesterday, a bill for

An Act to fund the County debt of San Francisco; a bill to be entitled

An Act to repeal the third section of an Act concerning County Record-ers, passed March 26th, 1851, and to amend the fifteenth section of said Act;

A bill to amend an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850;

A bill for an Act authorizing the Comptroller of State to return to Major James Burney, the War Loan Warrants paid by him to the Comptroller, and extending the time of payment;

An Act to amend an Act entitled an Act to define the duties of County Clerks;

A bill to be entitled an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and the gradual liquidation of the debt; and

A bill to be entitled an Act to re-incorporate the City of Stockton.

Mr. Tingley moved the appointment of a Committee of three to confer with a similar Committee of the Assembly, on the disagreeing vote of the

two Houses on the amendment to the "Joint Resolution for the passage of a law by Congress, allowing drawback to the shippers of Pig and Bloom Iron into this State," which was agreed to, and

Messrs. Tingley, Hubbs, and Snyder, were appointed as such Committee.

Assembly bill for "an Act to re-incorporate the City of Stockton," was then read a first and second time, and on motion of Mr. Tingley, referred to Mr. Van Buren.

Assembly bill for "an Act to repeal the third section of 'an Act concerning County Recorders,' passed March 26th, 1851, and to amend the fifteenth section of said Act," was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for "an Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850," was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for "an Act to fund the County debt of San Francisco County," was read a first and second time, and on motion of Mr. Tingley, referred to the Senators from San Francisco County.

Assembly bill for "an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt," was read a first and second time, and on motion of Mr. Cooke, referred to Mr. Van Buren.

Assembly bill for "an Act to amend an Act, entitled 'an Act to define the duties of County Clerks,'" was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for "an Act authorizing the Comptroller of State to return to Major James Burney, the War loan Warrants paid by him to the Comptroller, and extending the time of payment," was read a first and second time, and referred to the Judiciary Committee.

A communication was received from the Comptroller, with a statement of the account of E. J. C. Kewen, (formerly Attorney General) as appears on the records of his office, which was read, and on motion of Mr. Cooke, laid on the table.

Mr. Cooke moved to take from the table "an Act to provide for the construction of Telegraph Lines within the State of California."

Agreed to.

Mr. Lott moved to lay the bill on the table. Lost.

On motion of Mr. Cooke, the amendments reported by the Judiciary Committee, were adopted.

Mr. Lott moved to amend by inserting the following:

"The said Allen and Burnham shall keep in a book for that purpose, a daily account of the receipts of said line, and shall pay into the State Treasury five per cent of the gross receipts thereof, on the first Monday in January of each year;"

On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Lewis,  
Lind,  
Lott,

Messrs. Soule,  
Warner—5.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Keyser,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Tingley,  
Walton—14.

So the amendment was lost.

Mr. Cooke moved to amend by inserting a new section, as section three. Agreed to.

Mr. Walton moved to amend as follows :

“ Any future Legislature may alter, amend or repeal this Act, upon the petition of a majority of the voters of the Counties through which the line may pass ;”

Which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Lind,  
Ralston,

Messrs. Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Warner—15.

## NAYS.

Messrs. Lewis,  
Lott,

Mr. Miller—3.

The bill was then read a third time, and on the question, “ shall the bill now be passed,” the ayes and nays were demanded, with the following result :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walton—14.



## NAYS.

Messrs. Broderick,  
Lewis,  
Lind,

Messrs. Lott,  
Sprague,  
Warner—6.

So the bill was passed.

On motion of Mr. Walton, Assembly bill for "an Act defining the duties of State Printer and fixing his compensation," was taken up.

Mr. Ralston moved to lay the bill upon the table. Agreed to.

Mr. Hubbs, on leave, introduced a bill for "an Act providing for the erection of a Powder Magazine in San Francisco," which was read a first and second time, and referred to the Senators from San Francisco.

A message was received, informing the Senate that the Assembly passed on yesterday,

A bill for an Act to be entitled an Act directing the removal of the Archives and State Offices to the city of Vallejo; and passed this day,

A Concurrent Resolution authorizing J. S. Graham to withdraw certain papers from the unfinished business of the last session of the Legislature, now in possession of the Secretary of State.

Assembly Concurrent Resolution authorizing James S. Graham to withdraw certain papers from the last Legislature's unfinished business, was read, and referred to the Committee on the State Library.

Assembly bill for "an Act to be entitled 'an Act directing the removal of the Archives and State Offices to Vallejo,'" was read a first and second time and referred to the Committee on Public Buildings.

Mr. Estill presented the petition of E. Barry, praying for relief, which was read, and referred to the Committee on Claims.

On motion of Mr. Broderick, the vote taken yesterday on the amendments to the bill for "an Act concerning fees of Office," was re-considered.

Mr. Lott moved a call of the Senate. Not sustained.

The amendments to the bill was then concurred in and adopted.

Mr. Van Buren (Mr. Cooke in the chair) moved to refer the bill to a Select Committee of five. Agreed to.

The chair appointed as such Committee, Messrs. Broderick, Robinson, Denver, Warner and Sprague.

Mr. Broderick moved to re-consider the vote taken yesterday on the bill for "an Act to authorize the prosecution of suits in certain cases by Executors and Administrators without the payment of costs in advance, and to repeal an Act concerning fees of Public Administrators, passed April 28th, 1851," which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Ralston,  
Roach,

Messrs. Robinson,  
Soule,  
Sprague,  
Tingley—9.

## NAYS.

Messrs. Estill,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Miller,  
Van Buren,  
Walton,  
Warner—9.

On motion of Mr. Robinson, the Senate, as in Committee of the Whole, took under consideration Assembly bill for "an Act to provide for levying, assessing and collecting the Public Revenue," and having made some progress thereon, the Committee rose, and asked leave to sit again, which was granted.

Mr. Robinson moved to take from the table the resolution introduced on yesterday by Mr. Estill, limiting the time of speaking.

Agreed to.

Mr. Warner moved, as a substitute, the resolution submitted by him on yesterday, changing the hour of meeting; on which the ayes and nays were demanded, with the following result:

## AYES.

Messrs. Cooke,  
Hubbs,  
Lind,  
Miller,

Messrs. Ralston,  
Roach,  
Snyder,  
Warner—8.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
Soule,  
Sprague,  
Tingley,  
Walton—10.

So the substitute was lost.

The question then recurring on the resolution limiting the time of speaking, it was adopted by the following vote:

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
Miller,  
Roach,  
Soule,  
Sprague,  
Walton—13.

NAYS.

Messrs. Ralston,  
Tingley,

Mr. Warner—3.

The Senate, as in Committee of the Whole, on motion of Mr. Hubbs, again resumed the consideration of Assembly bill for "an Act to provide for the levying, assessing and collecting the Public Revenue," and pending the discussion on the same,

On motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## SENATE.

MONDAY, April 12, 1852.

The Senate met pursuant to adjournment.

President in the chair.

The Journal of Saturday was read and approved.

Mr. Sprague presented the petition of certain citizens of Shasta County, praying for a law to establish a Branch State Hospital, in the town of Shasta, which was read and referred to a Select Committee, consisting of Messrs. Sprague, Lott, and Keyser, with instructions to report a bill.

Mr. Sprague, from the Committee on Public Buildings, to whom was referred Assembly bill for "an Act directing the removal of the archives and State Offices, to the City of Vallejo," reported the same back and recommended its passage.

The report was accepted and the bill laid on the table.

Mr. McKibben, from the Joint Committee on Enrollments, reported that the Committee had this day presented to the Executive for his signature:

"An Act to authorized married women to transact business in their own name as sole traders."

Also, "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon."

Also, "an Act to authorize persons engaged in the United States Coast Survey, upon the Coast of California, to enter upon lands within this State, for the purposes of said Survey; to protect the operations of the same from injury or molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes."

The report was adopted.

A message was received informing the Senate that the Assembly passed

on Saturday last, a Joint Resolution concerning the Red Wood Lands in this State.

And a bill for "an Act to organize the Courts of Justice of the State of California."

And Senate bill for "an Act for the relief of Cooke and LeCount."

And concurred in the amendment made by the Senate to Assembly bill for "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties," and amended the same as therein shown.

Assembly bill for "an Act to organize the Courts of Justice, of the State of California," was read a first and second time, and, on motion of Mr. Cooke, referred to the Judiciary Committee.

Assembly "Joint Resolution in regard to Indian Reservations," was read a first and second time, and, on motion of Mr. Wambough, referred to the Judiciary Committee with instructions to report the same back on to-morrow. •

Assembly "Joint Resolution concerning the Red Wood Lands in this State," was read a first and second time, and, on motion of Mr. Tingley, referred to a Select Committee of three.

Messrs. Tingley, Warner and Cooke, were appointed.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred Assembly bill for "an Act to provide for the appointment of a Guager for the Port of San Francisco," reported the same back for the consideration of the Senate.

The report was accepted and the bill laid on the table.

Assembly bill for "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th 1851, was then taken up, and Senate amendment, as amended by the Assembly, concurred in.

Mr. Walton moved to reconsider the vote on the passage of the bill for "an Act to provide for the construction of Telegraph Lines within the State of California."

Mr. Cooke moved to lay the motion on the table, which was decided in the negative by the following vote :

# AYES.

Messrs. Cooke,  
Denver,  
Estill,

Messrs. Keyser,  
McKibben,  
Tingley—6.

# NAYS.

Messrs. Broderick,  
Hubbs,  
Keene,  
Lewis,  
Lind,  
Lott,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Walton,  
Warner,  
Wambough—16.



The question then recurring on the motion of Mr. Walton to reconsider, it was decided in the affirmative by the following vote :

## AYES.

Messrs. Hubbs,  
Keene,  
Lind,  
Lott,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Sprague,  
Walton,  
Wambough—12.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Tingley,  
Warner—9.

Mr. Walton moved to reconsider the vote on the third reading of the bill.  
Agreed to.

Mr. Sprague moved to re-commit the bill to the Committee on Corporations and that it be printed.

Not agreed to.

Mr. Tingley moved to lay it on the table, which was decided in the negative by the following vote :

## AYES.

Messrs. Cooke,  
Lewis,  
Lind,  
Soule,

Messrs. Sprague,  
Tingley,  
Warner—7.

## NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Robinson,  
Snyder,  
Van Buren,  
Walton,  
Wambough—14.

Mr. Hubbs moved to amend by inserting after the word "assigns," the following:

*"Except that when within two miles of any incorporated City the proprietors of any similar line of Telegraph may enter said City and depart there from, making their station therein within twenty yards of the station of said Allen and Burnham, or their successors."*

Mr. Estill moved to lay the amendment on the table.

Not agreed to.

The amendment was then adopted.

Mr. Lewis moved to indefinitely postpone the bill which was decided in the negative by the following vote :

## AYES.

Messrs. Lewis,  
Lind,  
Soule,

Messrs. Sprague,  
Warner—5.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Walton,  
Wambough—16.

On motion of Mr. Walton, the bill was considered, engrossed, and again read a third time.

On the question "Shall the bill be now passed?" the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Tingley,  
Walton,  
Wambough—13.

## NAYS.

Messrs. Lewis,  
Lind,  
Lott,  
Soule,

Messrs. Sprague,  
Van Buren,  
Warner—7.

So the bill passed.

Mr. Hubbs, on leave, introduced a bill for "an Act to prevent coolie labor in the mines, and to prevent involuntary servitude," which was read a first and second time.

Mr. Robinson moved to refer the bill to the Judiciary Committee.

Mr. Hubbs, moved to refer it to the Committee on Mines and Mining Interests, which was agreed to.

Mr. Cooke moved that five hundred copies be printed.

Mr. Denver moved to amend by striking out "five hundred," and inserting "eight hundred."

Mr. Lewis moved to lay the motion and amendment on the table, which was agreed to.

Mr. Keene, on leave, introduced a bill for "an Act to amend an Act entitled an Act concerning Corporations," which was read a first and second time, and, on motion of Mr. Cooke, referred to the Committee on Corporations."

Mr. Robinson, on leave, introduced a bill for "an Act to incorporate the Sacramento Water Company," which was read a first and second time, and, on motion of Mr. Cooke, referred to Messrs. Robinson and Ralston.

Mr. Keene, from the Select Committee, to whom was referred the special message of the Governor, transmitting a report and resolution adopted at a meeting of the citizens of this State, held at the City of Washington, D. C., in reference to the "Block of gold-bearing Quartz," furnished by the State of California to be placed in the Washington National Monument," reported the same back with a bill for "an Act authorizing the Governor of the State of California to procure a block of California Marble to be forwarded to the Washington Monument Society," which was read a first and second time; and, on motion of Mr. Van Buren, laid on the table.

Mr. Sprague submitted a resolution, which was adopted, requesting the Governor to transmit information to the Senate, in relation to Indian difficulties in the northern portion of this State.

Mr. Wambough moved that Senators now proceed to draw for terms.

Agreed to.

Mr. Tingley submitted a report apportioning the term of new Senators, which was read, and, on motion, the whole subject was laid upon the table.

A message was received from the Governor, informing the Senate that he had this day approved "an Act to authorize married women to transact business in their own name as sole traders."

Also, "an Act to authorize persons engaged in the United States Coast Survey, upon the Coast of California, to enter on lands within this State for the purposes of said survey; to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders, against the provisions of this Act and for other purposes."

Also, "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon."

Mr. Van Buren, to whom was referred Assembly bill for "an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon and for the gradual liquidation of the debt," reported the same back and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Van Buren, to whom was referred Assembly bill for "an Act to re-incorporate the City of Stockton," reported the same back and recommended the passage of Senate bill for "an Act to abolish the existing charter of the City of Stockton, and provide a new charter for said City."

The report was adopted and the substitute was then read a third time and passed.

On the question "Shall the title stand?" it was, on motion of Mr. Van Buren, amended so as to read "an Act to re-incorporate the City of Stockton."

Assembly bill for "an Act to provide for levying, assessing and collecting the public Revenue," was then taken up, and, on motion of Mr. Lewis, laid on the table.

Mr. Lewis moved to take up Assembly bill for "an Act defining the duties of State Printer, and fixing his compensation," which was lost by the following vote :

## AYES.

Messrs. Lewis,  
McKibben,  
Sprague,

Messrs. Van Buren,  
Walton,  
Wambough—6.

## NAYS.

Messrs. Broderick,  
Denver,  
Hubbs,  
Keene,  
Lind,  
Lott,

Messrs. Miller,  
Ralston,  
Robinson,  
Snyder,  
Tingley,  
Warner—12.

On motion of Mr. Broderick, the bill for "an Act to enforce contracts and obligations to perform work and labor," was made the special order for 8 o'clock this evening.

On motion of Mr. Van Buren, the Senate, as in Committee of the Whole, took under consideration the bill for "an Act exempting the members of the legally organized Fire Companies, and uniformed Militia Companies, from service upon juries," and having considered the same, reported it back with amendments, which were concurred in, and the bill was then read a third time and passed.

Mr. Warner, from the joint Committee to examine and decide upon the qualifications of persons making proposals for the State translating, submitted "Joint Resolution authorizing the Secretary of State to receive proposals for the State translating until the 19th inst," which was read a first and second time ; the rules suspended, it was read a third time and passed.

On motion of Mr. Robinson, the Senate, as in Committee of the Whole, (Mr. Hubbs in the chair,) took under consideration "an Act to provide for levying, assessing and collecting the Public Revenue."

Mr. Robinson moved a call of the Senate, which was sustained, and on the roll being called, Messrs. Estill, Keyser, McKibben, Soule, Sprague and Van Buren, were absent.

On motion of Mr. Walton, Mr. Keyser was excused from the action of the call.

Messrs. McKibben, Soule, Estill and Sprague, appeared and took their seats.



Mr. Lewis moved to suspend the call.

Not agreed to.

Mr. Walton moved that Mr. Van Buren be excused from the action of the call.

Not agreed to.

Mr. Van Buren appeared and stated that his health was such that he was unable to remain in his seat, and again left the Senate Chamber.

Mr. Robinson moved that further proceedings under the call be dispensed with, which was agreed to by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Lewis,  
Lind,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Walton,  
Warner,  
Wambough—21.

#### NAYS—NONE.

The Senate again, as in Committee of the Whole, proceeded to consider the bill for collecting the Public Revenue, and during the consideration of the same, on motion, the Senate took a recess until 7½ o'clock, P. M.

### EVENING SESSION.

7½ o'clock, P. M.

On motion of Mr. Cooke, Mr. Robinson took the chair, and called the Senate to order.

Mr. Cooke, from the Judiciary Committee, to whom was referred Assembly bill for "an Act to enforce the observance of contracts made without this State, for the performance of labor within the limits thereof," reported the same back and recommended its indefinite postponement.

The report was accepted,

And the Senate, as in Committee of the Whole, took the bill under consideration, and also, Senate bill for "an Act to enforce contracts and obligations to perform work and labor," and having made some progress on the same, Mr. Van Buren moved to indefinitely postpone the bill, which was agreed to by the following ayes and nays :

#### AYES.

Messrs. Broderick,  
Cooke,

Messrs. Denver,  
Estill,

Messrs. Fry,  
Hubbs,  
Keene,  
Lind,  
Lott,  
McKibben,  
Ralston,

Messrs. Roach,  
Robinson,  
Soule,  
Sprague,  
Van Buren,  
Walton,  
Wambough—18.

NAYS.

Mr. Tingley,

Mr. Warner—2.

Mr. Robinson moved to adjourn. Lost.

Mr. Wambough moved to take up the bill to divide the County of Colusi.  
Not agreed to.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, April 13, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Monday was read and approved.

Mr. Cooke from the Judiciary Committee to whom was referred "an Act concerning the Administration of Oaths," reported the same back, and recommended its indefinite postponement.

Also "an Act concerning Crimes and Punishments," passed April 16th, 1850, and recommended its passage;

Also, "Joint Resolution in regard to Indian Reservations," and recommended that the second resolution be stricken out, and that the resolutions thus amended be passed. The report was accepted, and

On motion of Mr. Sprague, laid on the table.

Mr. Cooke, from the Judiciary Committee, to whom was referred Assembly bill for "an Act authorizing the Comptroller of State to return to Major James Burney the War Loan Warrants paid by him to the Comptroller and extending the time of payment," reported the same back, and recommended its indefinite postponement.

Mr. Cooke moved that the Senate concur in the report of the Committee, which was agreed to by the following vote:

## AYES.

Messrs. Cooke,  
Denver,  
Fry,  
Lott,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Warner—10.

## NAYS.

Messrs. Hubbs,  
Keene,  
Miller,

Messrs. Sprague,  
Tingley—5.

And the bill was indefinitely postponed.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred "an Act for the appointment of Flour Inspectors," reported the same back for the consideration of the Senate.

The report was accepted.

Mr. Broderick moved to indefinitely postpone the bill.

Mr. Cooke moved to lay that motion upon the table.

Agreed to.

A message was received, informing the Senate that the Assembly did on yesterday pass "an Act to authorize the Comptroller of State to audit accounts of Officers of Court in certain cases;"

And passed this day, "an Act amendatory of section first of an Act for the relief of C. C. Richmond;"

Also, "an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to the Oregon Line, and to regulate the tolls to be collected on the same."

Assembly bill for "an Act to authorize the Comptroller of State to audit accounts of Officers of Court in certain cases," was read a first and second time, and referred to the Judiciary Committee.

Mr. Roach, on leave, introduced a bill for "an Act concerning passengers arriving in the Ports of the State of California," which was read a first and second time, and

On motion of Mr. Keene, referred to the Committee on State Hospitals, and to Mr. Roach.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to amend an Act entitled an Act to Incorporate the City of Sacramento."

The report was adopted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act amendatory of an Act entitled an Act concerning Corporations," passed April 22d, 1850.

The report was adopted.

Mr. Lott, from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of Lafayette Maynard," reported the same back, and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Warner, on leave, introduced a bill for "an Act amendatory of an

Act to provide for the Translation of the Laws into the Spanish language," passed March 15th, 1851, which was read a first and second time, the rules suspended, it was considered, engrossed, read a third time, and passed.

Mr. Warner, on leave, introduced a bill for "an Act to create a Board of Supervisors for the County of San Diego, and to define their duties," which was read a first and second time, and referred to the Committee on Corporations.

On motion of Mr. Keene, Assembly bill for "an Act explanatory of an Act repealing the charter of the City of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved February 14th, 1852, was taken from the table, amended, read a third time, and on the question "shall the bill now be passed," the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Walton—14.

## NAYS.

Messrs. Broderick,  
Hubbs,

Messrs. Ralston,  
Roach—4.

So the bill was passed.

On motion of Mr. Cooke, the consideration of Assembly bill for "an Act to provide for levying, assessing and collecting the Public Revenue," was postponed until half past two, P. M.

Mr. McKibben moved that the Senate do now proceed to settle the terms of new Senators.

Agreed to.

Mr. Broderick moved a call of the Senate, which was sustained, and on the roll being called, Messrs. Estill, Lind, Lott and Wambough were absent.

Messrs. Estill, Lind and Lott appeared, and took their seats.

On motion of Mr. Lewis, further proceedings under the call were suspended.

Mr. Sprague submitted the following resolution :

*Resolved*, That the new Senators, to wit: the Senators elected from the second, third, fourth, eighth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first and twenty-second, and the sixth, ninth and twelfth districts, proceed to draw for the long and short term, in the following manner, the two new Senators from the sixth, also from the ninth and twelfth districts, shall, as they may agree between themselves, by lot determine the term of each.



The other new Senators, to wit: the Senators from the second, third, fourth, eighth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first and twenty-second districts, shall proceed to draw in alphabetical order, from a box containing fourteen slips of paper, upon three of which shall be written one year, and upon eleven, two years; and the term of each Senator shall be indicated by the slip of paper drawn for by each.

Mr. Denver submitted the following resolution as a substitute:

*Resolved*, That the Senators from the sixth, ninth, and twelfth districts, shall first determine among themselves which of them shall hold the long term, and which the short term; and when that has been done, the Senators from the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first and twenty-second, shall by lot determine which three of them shall go out of office at the end of this year, which was lost.

On motion of Mr. Robinson, the subject was referred to a Special Committee of five, Messrs. Robinson, Broderick, Sprague, Estill and Warner were appointed as such Committee.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to provide for the construction of Telegraph Lines within the State of California;"

Also, "Joint Resolution authorizing the Secretary of State to receive proposals for the State translating, until the 19th of April, 1852.

The report was adopted.

On motion of Mr. McKibben, the Senate took a recess until eight o'clock this evening.

## EVENING SESSION.

Mr. Estill from the Special Committee, to report a mode of determining the terms of new Senators submitted a report recommending the passage of the resolution submitted by Mr. Sprague.

The report was accepted.

Mr. Sprague from the same Committee, submitted a report recommending the passage of the same resolution.

The report was accepted.

Mr. Lewis submitted the following resolution as a substitute for the resolution submitted by Mr. Sprague:

*Resolved*, That the Senators from the ninth, twelfth, and sixth Senatorial districts, created by the apportionment law of 1850, and to which was given respectively an additional Senator by the apportionment law of 1851, shall determine among themselves, by lot or otherwise, in the presence of the Senate, who shall hold the Senatorial office, that was created by the law of 1850, the other Senators from those districts shall draw with the Senators from the second, eighth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first and twenty-second Senatorial districts, for the long and short terms in the following manner: there shall be placed in a box fifteen pieces of paper, on five of which pieces of

paper, shall be written one year, and on ten of which shall be written two years, the Senators drawing the papers marked one year, shall be declared to have drawn the short term, and the Senators drawing the papers marked two years, shall be declared to have drawn the long term. Senators shall draw in alphabetical order.

Mr. Warner moved to amend the substitute by striking out "second district," which was not agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Lind,  
Miller,

Messrs. Roach,  
Soule,  
Tingley,  
Warner—8.

## NAYS.

Messrs. Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Ralston,  
Snyder,  
Sprague,  
Wambough—11.

The question then recurring on the adoption of the substitute, it was decided in the negative by the following vote :

## AYES.

Mr. Lewis—1.

## NAYS.

Messrs. Broderick,  
Cooke,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Warner,  
Wambough—18.

Mr. Warner submitted the following resolutions as a substitute :

*Resolved*, That the Senators from the ninth district, decide by lot, which is the Senator under the old apportionment ; that the two Senators elect from the sixth district, decide the same question in the same manner ; that the Senators from the twelfth district, decide the same question in the same manner ; that the Senators from Placer, Sutter, Yuba, and Nevada, decide

the same question in the same manner, which one of the four should hold over under the old apportionment.

*Resolved*, That those Senators who do not draw the long term under the old apportionment, from the eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first and twenty-second, decide by lot which four of the Senators from these districts shall hold over.

Which was lost by the following vote :

AYES.

Messrs. Cooke,  
Lott,

Mr. Warner—3.

NAYS.

Messrs. Broderick,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Snyder,  
Soule,  
Sprague,  
Tingley,  
Wambough—16.

The question then recurring on the resolution introduced by Mr. Sprague, it was adopted by the following vote :

AYES.

Messrs. Denver,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
McKibben,  
Ralston,  
Sprague,  
Wambough—10.

NAYS.

Messrs. Broderick,  
Cooke,  
Lind,  
Miller,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley,  
Warner—9.

Mr. Lind moved to adjourn on which the yeas and nays were demanded, with the following result :

AYES.

Messrs. Broderick,  
Cooke,

Messrs. Miller,  
Ralston,

Messrs. Fry,  
Keene,  
Lind,  
Lott,

Messrs. Snyder,  
Tingley,  
Wambough—11.

## NAYS.

Messrs. Denver,  
Keyser,  
Lewis,

Messrs. McKibben,  
Sprague,  
Warner—6.

So the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, April 14, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The journal of Tuesday was read and approved.

Mr. Sprague, from the Committee on Public Lands, to whom was referred "an Act to provide for private entry upon lands belonging to this State"; reported the same back and recommended its passage.

The report was accepted and laid on the table.

Mr. Snyder, from the Committee on Public Lands, to whom was referred a bill for "an Act to provide for making a Map of the State of California by the Surveyor-General," reported the same back and recommended its passage.

The report was accepted and laid upon the table.

Mr. Tingley, from the Select Committee, to whom was referred Assembly "Joint Resolution concerning the Red Wood lands in this State," reported the same back with amendments and recommended the passage of the bill.

The report was accepted and laid on the table.

Mr. Ralston, on leave, introduced a "Joint Resolution in relation to the Swamp Lands;" also, a "Joint Resolution of instructions in relation to private Land Claims," which were read a first and second time and referred to a Select Committee of five.

The chair appointed Messrs. Ralston, Broderick, Tingley, Sprague and Snyder as such Committee.

On motion of Mr. Estill, the bill for "an Act for the appointment of Flour Inspector," was taken under consideration.

Mr. Cooke moved to lay the bill upon the table. Lost.



Mr. Robinson moved to indefinitely postpone the bill, which was decided in the affirmative by the following vote :

## AYES.

Messrs. Broderick,  
Cooke,  
Lewis,  
Lind,  
McKibben,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Warner—12.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Sprague,  
Walton,  
Wambough—9.

On motion of Mr. Hubbs, the bill for "an Act concerning the offices of Comptroller and Treasurer of State," was taken from the table, amended, read a third time and passed.

Mr. Sprague, from the Select Committee, to whom was referred the petition of citizens of Shasta County, in relation to a Branch State Hospital, reported a bill for "an Act to provide for the indigent sick in the Counties of Shasta and Siskiyou," which was read a first and second time and referred to the Committee on State Hospitals.

Mr. Snyder submitted the following statement, which was ordered upon the Journal :

Inasmuch as there is no explanation of the derivation of the word *Siskiyou*, which has been applied to a new County in this State, I beg leave to offer the following explanation, which I hope will be placed on the Journals of the Senate :—

The French name *Six Cailloux* was given a ford on the Umpqua river, at which place Michael La Frambois, with a party of Hudson Bay trappers, crossed in the year 1832.

Six large stones lay in the river where they crossed, and they gave it the name of Six Cailloux, or Six Stone Ford ; and from this, the mountain took its name—Six Stone Mountain.

I have seen the Map of La Frambois' of the country through which he passed during the expedition.

J. R. SNYDER.

On motion of Mr. Estill, Assembly bill for "an Act directing the removal of the Archives and State Officers to the City of Vallejo," was taken from the table.

Mr. Tingley moved to amend by striking out the words "City of Vallejo," and inserting the words "Seat of Government."

Mr. Hubbs moved a call of the Senate, which was sustained ; and on the

roll being called, Messrs. Sprague and Wambough were absent.

Mr. Sprague appeared and took his seat.

On motion of Mr. Soule, further proceedings under the call were dispensed with.

The question was then taken on Mr. Tingley's amendment, and decided in the negative by the following vote :

## AYES.

Messrs. Keyser,  
Lott,  
Robinson,

Messrs. Soule,  
Tingley—5.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. McKibben,  
Miller,  
Ralston,  
Roach,  
Snyder,  
Sprague,  
Walton,  
Warner—17.

Mr. Ralston moved to amend by inserting the following :

*Provided*, The City of Sacramento shall, free of cost to the State, furnish suitable offices for the use of Governor and other State Officers, at the City of Sacramento ; then and in such event, the foregoing provisions of this Act shall not take effect until otherwise directed by law : but the Archives of State, and the Governor, and other public Officers, shall be continued at the City of Sacramento.

The amendment was lost by the following vote :

## AYES.

Messrs. Keene,  
Keyser,  
Lott,  
Ralston,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Walton—9.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,

Messrs. Lind,  
McKibben,  
Miller,  
Roach,

Messrs. Fry,  
Hubbs,  
Lewis,

Messrs. Sprague,  
Warner—13.

Mr. Snyder moved to amend by inserting the following words :

“That Sacramento City shall be the Seat of Government until decided otherwise by the people at the next General Election: *Provided*, that all offices, for the use of the State Officers, be furnished by the City of Sacramento, free of cost to the State.

Which was lost by the following vote :

AYES.

Messrs. Keene,  
Keyser,  
Lott,  
Ralston,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Walton—9.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Roach,  
Sprague,  
Warner—13.

Mr. Tingley moved to amend by inserting the following words :

“*Provided*, that the Governor shall take the opinion of the Attorney-General first, and shall only be required to effect such removal in the event of said opinion deciding Vallejo to be the Constitutional and legal Seat of Government of this State.”

Which was lost by the following vote :

AYES.

Messrs. Keyser,  
Lott,  
Miller,  
Ralston,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Walton—9.

NAYS.

Messrs. Broderick,  
Cooke,

Messrs. Lewis,  
Lind,

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. McKibben,  
Roach,  
Sprague,  
Warner,  
Wambough—14.

The bill was then read a third time; and, on the question—"Shall the bill now be passed?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Roach,  
Sprague,  
Warner,  
Wambough—14.

## NAYS.

Messrs. Keene,  
Keyser,  
Lott,  
Ralston,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Walton—9.

Mr. Sprague moved to re-consider the vote just taken.

Mr. Cooke moved to postpone indefinitely the motion to re-consider, which was agreed to.

Mr. McKibben, from the Committee on Enrolled Bills, reported as correctly enrolled "an Act for the relief of John G. Marvin, late Quarter-Master in the Mariposa war;" also, "an Act respecting fugitives from labor and slaves brought into this State prior to her admission into the Union."

The report was adopted.

On motion of Mr. Roach, the bill for "an Act to amend the fourth section of an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, was taken from the table, amended, read a third time and passed.

Mr. Ralston gave notice that he would, on to-morrow, introduce a bill for "an Act to repeal an Act this day approved, concerning fugitives from service."

On motion of Mr. Sprague, the bill for "an Act defining the boundary of the County of Shasta, and to amend the twenty-second section of "an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, was taken from the table, read a third time and passed.

On motion of Mr. Miller, Assembly bill for "an Act creating Tulare



County and to provide for its organization," was taken from the table, amended, read a third time and passed.

On motion of Mr. Broderick, Assembly bill for "an Act defining the duties of State Printer and fixing his compensation:" and Senate bill for "an Act to provide for Public Printing," were made the special order for 8 o'clock this evening.

On motion of Mr. Hubbs, the Senate, as in Committee of the Whole, (Mr. Tingley in the chair) took under consideration "an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers:" and having made some progress thereon, rose, and reported the bill back: when, on motion, it was referred to a Select Committee of five: and the chair appointed, as such Committee, Messrs. Ralston, Cooke, Sprague, Hubbs and Lind.

On motion of Mr. Warner, the bill for "an Act for the relief of William E. P. Hartnell," was then read a first and second time: the rules suspended, it was considered, engrossed, read a third time and passed.

On motion of Mr. Warner, the Assembly Joint Resolution for the relief of William E. P. Hartnell, was indefinitely postponed.

On motion of Mr. Walton, the bill for "an Act for the relief of William Rogers, Sheriff of El Dorado County," was taken from the table, read a third time and passed.

On motion of Mr. Cooke, the bill for "an Act amendatory of an Act concerning Coroners," passed April 19th, 1850, was taken from the table, read a third time and passed.

A message was received, informing the Senate that the Assembly passed on yesterday a bill to be entitled "an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties," passed April 25th, 1851.

And passed this day "an Act for the permanent location of the Seat of Justice of Calaveras County."

Also, a "Concurrent Resolution to go into an Election on to-morrow for a State Printer."

And concurred in the amendment made by the Senate to Assembly bill for an Act for the relief of the indigent sick of San Diego."

And passed this day Senate bill for an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State, and amended the same as therein shown.

And that the Governor did on the 10th instant approve the following bills:

An Act for the relief of M. Dougherty;

An Act entitled an Act in relation to State Prison convicts;

An Act to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall;

An Act entitled an Act for the relief of J. K. Shafer;

An Act entitled an Act supplementary to an Act Incorporating the City of Marysville;

An Act entitled an Act for the relief of Thomas H. Coats;

An Act entitled an Act for the relief of Charles T. Botts.

Also, a Joint Resolution granting leave of absence to William R. Turner, Judge of the Eighth Judicial District.

Assembly bill for "an Act to amend the twenty-fourth and twenty-

seventh sections of an Act dividing the State into Counties and establishing Seats of Justice therein," passed April 25th, 1851, was then read a first and second time and referred to the Committee on County Boundaries.

Assembly bill for "an Act for the permanent location of the Seat of Justice of Calaveras County," was read a first and second time, and, on motion of Mr. Cooke, referred to Mr. Lind.

On motion of Mr. Cooke, the bill for "an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," as amended by the Assembly, was laid upon the table.

Assembly Concurrent Resolution, that the two Houses meet in convention on the 15th instant, "to elect a State Printer, and Trustees of Hospitals or Physicians attached thereto," was, on motion of Mr. Walton, laid upon the table.

On motion of Mr. Sprague, the Senate took a recess until 8 o'clock this evening.

### EVENING SESSION.

President pro tem. in the chair.

The Senate, as in Committee of the Whole, took under consideration Assembly bill for "an Act defining the duties of State Printer and fixing his compensation; also, Senate bill for "an Act to provide for Public Printing;" and having made some progress thereon, rose, and reported the bills back.

Mr. Broderick moved the adoption of Senate bill, "an Act to provide for the Public Printing," as a substitute for the Assembly bill, defining the duties of State Printer," etc., which was agreed to by the following vote:

#### AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Keene,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Warner—10.

#### NAYS.

Messrs. Denver,  
Fry,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Sprague,  
Walton—8.

Mr. Broderick moved a re-consideration of the vote just taken.

Mr. Lott moved to indefinitely postpone the motion to re-consider which was agreed to by the following vote:

#### AYES.

Messrs. Broderick,  
Cooke,

Messrs. Ralston,  
Roach,

Messrs. Estill,  
Lind,  
Lott,

Messrs. Robinson,  
Soule,  
Warner—10.

## NAYS.

Messrs. Denver,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. McKibben,  
Miller,  
Sprague,  
Walton—9.

On motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, April 15, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Wednesday was read and approved.

Mr. Walton presented a petition from citizens of El Dorado County, praying for a law authorizing C. Hix to construct a plank road from White Oak Spring to the road leading from Coloma to Sacramento City, which was read, and referred to the delegation from El Dorado County.

Mr. Cooke, from the Judiciary Committee, to whom was referred Assembly bill for "an Act to repeal the third section of an Act concerning County Recorders," passed March 26th, 1851; and to "amend the fifteenth section of same Act;"

And Senate bill for "an Act to amend the eighteenth and twenty-second sections of 'an Act to apportion the Senatorial and Assembly districts,'" passed May 1st, 1851, reported the same back, and recommended that both bills be indefinitely postponed.

The report was accepted.

Mr. Cooke, from the same Committee, to whom was referred Assembly bill for "an Act to define the duties of County Clerks," reported the same back with a bill for

"An Act defining the duties of the Clerk of the Superior Court of the City of San Francisco," and recommended its passage.

The report was adopted, and the substitute read a first and second time, and laid on the table.

Mr. Ralston, from the Special Committee, to whom was referred the bill

for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," reported the same back with amendments.

On motion of Mr. Sprague, the report was accepted, and laid over until one o'clock this day.

Mr. Miller, from the Committee on Elections, to whom was referred Assembly bill for "an Act to provide for the ordering of a special election in the County of Trinity," reported the same back with an amendment, and recommended its passage.

The report was accepted and laid on the table.

Mr. Sprague, from the Committee on Public Buildings, to whom was referred the report of the Superintendent of Public Buildings, reported the same back, and asked that the Committee be discharged—and it was so ordered.

On motion of Mr. Broderick, the bill for "an Act for the payment of freight to the Steamer Empire," was taken up, read a second time, the rules suspended, it was considered, engrossed, read a third time and passed.

On motion of Mr. Wambough, the bill for "an Act prescribing the mode of maintaining and defending possessory actions to Public Lands in this State," as amended by the Assembly, was taken from the table, and

On motion of Mr. Warner, the Senate refused to concur in the Assembly amendments.

A Committee of Conference, consisting of Messrs. Cooke, Hubbs and Estill was appointed to Act with a similar one on the part of the Assembly, on the disagreeing vote of the two houses, on the amendments to the bill.

Mr. McKibben, from the Committee on Enrolled Bills, reported as correctly enrolled "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of Justice therein ;"

Also, "an Act to create the County of Sierra, to establish the seats of Justice therein ; and to define its boundaries, and provide for its organization."

Also, "an Act amendatory of section first of an Act for the relief of C. C. Richmond."

Also, "an Act to legalize Acknowledgments of Deeds taken before, and certified by, County Recorders."

The report was adopted.

Mr. Lott from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to re-incorporate the City of Stockton ;"

"An act amendatory of an Act to provide for the Translation of the Laws into the Spanish language," passed March 15, 1851.

The report was adopted.

On motion of Mr. Lewis, the vote taken yesterday, indefinitely postponing the bill for "an Act for the Appointment of Flour Inspectors," was reconsidered.

On motion of Mr. Estill, the bill was referred to a Select Committee. The chair appointed Messrs. Estill, Fry and Lind as the Committee.

Mr. Walton, on leave, introduced a bill for "an Act to authorize Constantine Hix and others, to construct a Plank, or McAdamized road," which was read a first and second time and referred to Messrs. Walton and Keene.

Mr. Keene introduced a bill for "an Act providing for the erection of a



State Prison," which was read a first and second time, and referred to the Committee on State Prisons.

On motion of Mr. Fry, the bill for an Act concerning Escheated Estates," was taken up amended, read a third time and passed.

Mr. Wambough gave notice, that he would, on to-morrow, move to suspend the thirteenth joint rule of order.

A message was received informing the Senate that the Assembly passed on yesterday, a bill to be entitled "an Act fixing the time at which Representatives in Congress shall be elected ;"

"An act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, and Monterey Expeditions against the Indians ;"

And passed this day "an Act regulating the duties of Harbor Master of the Port of San Francisco."

Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, and Monterey Expeditions against the Indians," was read a first and second time, and

On motion of Mr. Keene, referred to the Committee on Indian Affairs.

Assembly bill for "an Act fixing the time at which Representatives in Congress shall be elected," was read a first and second time, and

On motion of Mr. Hubbs, referred to the Committee on Elections.

Assembly bill for "an Act regulating the duties of Harbor Master of the Port of San Francisco," was read a first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Walton, the Senate took from the table the bill for "an Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

Mr. Cooke moved to lay the bill on the table until 8 o'clock, P. M., on Monday next, which was lost by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Hubbs,  
Keyser,

Messrs. McKibben,  
Roach,  
Soule,  
Warner—8.

#### NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Snyder,  
Walton—12.

The Senate then, as in Committee of the Whole, took the bill under consideration, reported it back, when

On motion, it was referred to a Select Committee, consisting of Messrs. Walton and Robinson.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed, a bill for "an Act concerning the offices of Comptroller and Treasurer of the State."

A bill for "an Act amendatory of an Act concerning Coroners," passed April 19th, 1850.

A bill for "an Act for the relief of Wm. Rogers, Sheriff of El Dorado County."

A bill for "an Act for the relief of Wm. E. P. Hartnell."

A bill for "an Act defining the boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties, and establishing the seats of Justice therein," passed April 25th, 1851;

And a bill for "an Act to amend the fourth section of an Act dividing the State into Counties, and establishing the seats of Justice therein," passed April 25th, 1852.

The Senate then, as in Committee of the Whole, took under consideration the bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," and having considered the same, reported it back with amendments which were concurred in, and the bill ordered engrossed for a third reading.

Mr. Lind, to whom was referred Assembly bill for "an Act to provide for the permanent location of the seat of Justice of Calaveras County," reported the same back, and recommended its passage.

The report was adopted, the bill read a third time and passed.

On motion of Mr. Roach, the Senate, as in Committee of the Whole, again took under consideration the Assembly bill for "an Act to provide for levying, assessing, and collecting the Public Revenue," and having considered the same, reported it back with amendments, which were ordered engrossed.

On motion the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

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## IN SENATE.

FRIDAY, April 16, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Benton.

The journal of Thursday was read and approved.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled:

"An Act for the relief of the Indigent Sick;"

"An Act directing the removal of the Archives and State Officers to the City of Vallejo;"

"An Act for the permanent location of the Seat of Justice of the County of Calaveras."

The report was adopted.

On motion of Mr. Broderick, Mr. Keene was added to the Committee on State Prisons.

Mr. Snyder, from the Committee on Claims, reported back the memorial of William Webster and recommended that it be referred to the Committee on Commerce and Navigation.

The report was adopted and the memorial so referred.

Mr. Ralston, from the Select Committee, to whom was referred the memorial of Elias Waldron, reported the same back with a "Joint Resolution instructing our Representatives in Congress in relation to the claim of Elias Waldron," which was read a first and second time, and laid upon the table.

Mr. Ralston, from the Committee on Corporations, to whom was referred "an Act to create a Board of Supervisors for the County of San Diego, and to define their duties," reported the same back and recommended its passage.

The report was accepted and laid upon the table.

The bill was subsequently taken up, read a third time and passed.

Mr. Wambough, pursuant to notice, moved to suspend the thirteenth Joint Rule of the Senate and Assembly.

The chair decided the motion out of order.

On motion of Mr. Broderick, the bill for "an Act to provide for the Public Printing," was taken up read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded and resulted as follows :

#### AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Lind,  
Lott,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Warner,  
Wambough—15.

#### NAYS.

Messrs. Fry,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Van Buren,  
Walton—7.

So the bill was passed.

Mr. Broderick moved to reconsider the vote just taken.

Mr. Lott moved to indefinitely postpone the motion to reconsider, which was agreed to.

Mr. Walton, from the Committee on Agriculture, to whom was referred the bill for "an Act providing for the collection of the Geological, Botanical, and Agricultural productions of California, and the preservation thereof," reported the same back with a bill for "an Act to authorize C. A. Shelton, to make a Botanical collection of the native trees, shrubs, plants and flowers, of the State of California," as a substitute, and recommended its passage.

The substitute was adopted, read a first and second time and laid upon the table.

Mr. Keyser from the Judiciary Committee, to whom was referred Assembly bill for "an Act for the relief of Wm. T. Barbour, Judge of the Tenth Judicial District," reported the same back and recommended its passage.

The report was accepted and the bill read a third time and passed.

Mr. Ralston, from the Select Committee, to whom was referred the bill for "an Act to incorporate the Sacramento Water Company," reported the same back with amendments.

The report was accepted and the bill laid on the table.

On motion of Mr. Soule, leave of absence was granted to Mr. Cooke for two days.

On motion of Mr. Ralston, leave of absence was granted to Mr. Sprague for an indefinite period.

Mr. Miller, from the Committee on Elections, to whom was referred Assembly bill for "an Act fixing the time at which Representatives in Congress shall be elected," reported the same back and recommended its passage.

The report was accepted and laid on the table.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act for the payment of freight to Steamer Empire."

The report was adopted.

Mr. Robinson, from the Select Committee, to whom was referred a bill for "an Act to incorporate the California Institute," reported the same back with amendments, which were concurred in, and the bill laid upon the table.

Mr. Estill, from the Joint Committee of conference on the disagreeing vote of the two Houses on the bill for "an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," reported that they had agreed on the Assembly amendments, with an amendment as follows: Add after the word "land," "South of thirty-eight degrees and thirty minutes."

Mr. Hubbs, from the same Committee, submitted an adverse report and moved its adoption, on which the ayes and nays were demanded and resulted as follows:

AYES.

Messrs. Denver,  
Hubbs,  
Roach,

Messrs. Soule,  
Walton,  
Warner—6.



NAYS.

Messrs. Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Ralston,

Messrs. Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Wambough—11.

So the Senate refused to adopt the report of Mr. Hubbs.

The report submitted by Mr. Estill was then concurred in.

Mr. Walton, from the Select Committee, to whom was referred the bill for "an Act to provide for the protection of foreigners and to define their liabilities and privileges," reported the same back, with amendments.

The report was accepted and laid on the table.

A message was received from the Governor, transmitting a communication from the Attorney-General in relation to "an Act concerning the Courts of Justice of this State, and Judicial Officers," passed April 11, 1851, which was read and laid on the table.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act to enumerate the inhabitants of the State of California."

"An Act exempting the members of legally organized Fire Companies, and uniformed Militia Companies, from service upon Juries.

Also, Senate amendments to Assembly bill for "an Act to provide for levying, assessing and collecting the Public Revenue."

The report was adopted.

On motion of Mr. Robinson, the bill for "an Act to prohibit the exercise of Banking privileges and the issue of Warrants or Scrip, to circulate as money," was taken from the table, amended, and ordered engrossed for a third reading.

On motion of Mr. Hubbs, the bill for "an Act to establish Pilot Regulations for the port of San Francisco," and the substitute, being a bill for "an Act to amend an Act for the establishment of Pilots and Pilot Regulations for the port of San Francisco," passed February, 1850, were taken from the table.

The substitute was read a first and second time, amended, and laid on the table.

A message was received informing the Senate that the Assembly concurred, on yesterday, to the Senate amendment to a bill to create the County of Tulare.

And in Senate amendment to Assembly bill an Act explanatory of an Act repealing the Charter of the City of Nevada.

And that the Assembly passed, on yesterday, the following bills:

An Act to provide for appeals in certain cases.

A bill to be entitled an Act to alter the times of holding the general elections.

A bill to be entitled an Act to provide for choosing Electors of President and Vice President of the United States.

Also, Senate bill an Act to re-incorporate the City of Stockton, and amended the same as therein shown.

Senate bill an Act amendatory of an Act concerning Coroners, passed April 19, 1850, and amended the same as therein shown.

Senate bill an Act for the relief of William E. P. Hartwell.

Senate Joint Resolution authorizing the Secretary of State to receive proposals for the State translating, until the 19th of April, and amended the same.

And that the Assembly insist upon its amendment to Senate bill in reference to possessory actions on public lands, and have appointed Messrs. Crittenden, McConaha, and Crabb, a Committee of Conference.

And passed yesterday, a concurrent resolution in relation to the distribution of the Laws of 1851.

Joint resolutions in relation to the Compromise Measures, passed by the 31st Congress.

An Act to appoint Commissioners for the purpose of determining the amount of indebtedness of Yuba County justly chargeable to Nevada County, at the time of the organization of Nevada County.

A bill to be entitled an Act for the relief of A. G. Kimball.

An Act defining the time of commencing civil actions in certain cases.

An Act to provide for the filling of vacancies in County Offices.

And passed, this day, Joint Resolution in respect to Electors of President and Vice President of the United States.

Assembly Joint Resolution in respect to Electors of President and Vice President of the United States was read a first and second time; the rules suspended, it was read a third time and passed.

The Senate bill for "an Act to re-incorporate the City of Stockton," was taken up, and Assembly amendments concurred in; the bill read a third time and passed.

Assembly bill for "an Act to provide for appeals in certain cases," was read a first and second time, and referred to Messrs. Ralston and Robinson.

Assembly bill for "an Act to alter the times of holding the general elections," was read a first and second time, and referred to the Committee on Elections."

Assembly bill for "an Act to provide for choosing Electors of President and Vice President of the United States," was then read a first and second time, and referred to the Committee on Elections.

Assembly bill for "an Act for the relief of A. G. Kimball," was read a first and second time and referred to the Committee on Claims.

Assembly bill for "an Act to appoint Commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County, at the time of the organization of Nevada County, and to determine also, the amount of indebtedness of Sutter County, justly chargeable to Placer County, at the time of the organization of Placer County," was read a first and second time, and referred to Messrs. McKibben, Fry and Keyser.

Assembly bill for "an Act to provide for the filling of vacancies in County offices," was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for "an Act defining the time of commencing civil actions in certain cases," was read a first and second time and referred to the Judiciary Committee.

Assembly "Joint Resolution in reference to the Compromise Measures,"

passed by the 31st Congress, was read a first and second time and laid upon the table.

Assembly "Concurrent Resolution relative to the distribution of the laws of 1851," was then read and concurred in.

Assembly amendment to "Senate Joint Resolution authorizing the Secretary of State to receive proposals for the State translating until 19th of April, 1852," was then taken up and non-concurred in.

Assembly amendment to Senate bill for "an Act amendatory of an Act concerning Coroners," passed April 19th, 1850, was then taken up, and, on motion of Mr. Lott, non-concurred in.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, a "Joint Resolution in relation to the meeting of Presidential Electors."

"An Act explanatory of an Act repealing the charter of the City of Nevada, and to provide for the disposition of the property and payment of the debts of said City," approved February 14, 1852.

The report was adopted.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act concerning escheated estates."

The report was adopted.

Mr. Tingley, on leave, introduced a bill for "an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same," which was read a first and second time and referred to the Finance Committee.

The bill for "an Act to enumerate the inhabitants of the State of California," came up on its third reading.

Mr. Walton moved to re-commit the bill, with instructions to strike out the compensation and leave it to the County Board of Supervisors to fix the same.

Mr. Robinson moved a division of the question, and it was first taken on re-committing and lost.

Mr. Walton then moved to indefinitely postpone the bill.

The chair decided the motion out of order.

Mr. Walton appealed from the decision, and on the question "Shall the decision of the chair be sustained?" it was decided in the affirmative.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" it was decided in the negative by the following vote:

# AYES.

Messrs. Hubbs,  
Miller,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Tingley,  
Wamer—8.

# NAYS.

Messrs. Denver,  
Fry,

Messrs. Lott,  
McKibben,

Messrs. Keene,  
Lewis,  
Lind,

Messrs. Soule,  
Walton—9.

Mr. Walton gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

Mr. Robinson moved to take up "an Act to provide for levying, assessing and collecting the Public Revenue."

The motion was put to the Senate and decided lost, and Mr. Walton obtained the floor, when Mr. Robinson called for a division of the Senate.

The chair decided the call out of order.

Mr. Robinson appealed from the decision.

The appeal was put and the chair sustained.

On motion of Mr. Soule, the bill for "an Act concerning Common Schools," was made the special order for one o'clock to-morrow.

On motion of Mr. Ralston, the bill for "an Act to authorize Justices of the Peace to take and certify proofs and acknowledgments of deeds, and other instruments in writing," was taken up and on the question of the passage, it was decided in the negative.

A message was received from the Governor informing the Senate that he had this day approved "an Act amendatory of section first of an Act for the relief of C. C. Richmond."

"An Act to create the County of Sierra, and establish the Seat of Justice therein; to define the boundaries and provide for its organization."

Also, "an Act to legalize acknowledgments of deeds, taken before and certified by County Recorders."

On motion of Mr. Walton, the Senate took a recess until 8 o'clock, P. M.

### EVENING SESSION.

The Senate re-assembled at 8 P. M.

President pro tem., in the Chair.

On motion of Mr. Robinson the Senate resumed the consideration of Assembly bill to be entitled "an Act to provide for the levying, assessing and collecting the Public Revenue."

On motion of Mr. Ralston, the amendments adopted by the Senate when in Committee of the Whole, were considered separately.

Amendments to section first, section fourth, and section fifth were adopted.

The Senate refused to adopt the following amendment to section thirteen:

As follows, "except in the case of a mortgage of real estate, when the mortgagor is in possession; in which case, the mortgagor shall pay the tax on the value of the property over and above the amount for which it is mortgaged, and the mortgagee shall pay the tax on the money due or to become due on the mortgage."

Mr. Van Buren offered the following amendment to section thirteen:

Whenever the mortgagor of mortgaged property shall pay taxes upon said property, as provided in this Act, he shall be entitled to charge the pro rata proportion of said tax to the mortgagee, and the same shall be a set off upon the liquidation of said mortgage, and shall be reserved out of the amount secured thereby. The receipt of the collector shall be evidence of its payment.



Which was lost by ayes and nays as follows :

AYES.

Messrs. Fry,  
Keene,  
Miller,  
Ralston,  
Snyder,

Messrs. Soule,  
Tingley,  
Van Buren,  
Warner—9.

NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Lewis,  
Lind,

Messrs. Lott,  
Roach,  
Robinson,  
Walton—9.

Amendment to section seventeen, adopted in Committee of the Whole, was concurred in.

The Senate refused to concur in the following amendment to section twenty-first, offered by Mr. Robinson, and adopted in Committee of the Whole, as follows :

“ In addition to the poll tax assessed under this Act, the Court of Sessions, or the Board of Supervisors, if there be one, of each County in the State, may, if required, assess and collect a poll tax of not exceeding one dollar on each male inhabitant, over the age of twenty-one years, which shall be applied to the current expenses of such County.”

Which was lost by the following vote :

AYES.

Messrs. McKibben,  
Roach,  
Robinson,

Messrs. Tingley,  
Van Buren,  
Warner—6.

NAYS.

Messrs. Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Snyder,  
Soule,  
Walton—12.

The following amendment offered by Mr. Hubbs to section twenty-one—insert after the word “ dollars,” in third line,

“ Two-thirds of which shall be to the use of the State, and one-third to the use of the County,” was adopted by the following vote :

## AYES.

Messrs. Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Snyder,  
Walton—11.

## NAYS.

Messrs. McKibben,  
Roach,  
Robinson,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—7.

On motion of Mr. Tingley, the Senate concurred in the amendment, made in Committee of the Whole, to strike out section twenty-five, by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Snyder,  
Walton—13.

## NAYS.

Messrs. Roach,  
Tingley,

Messrs. Van Buren,  
Warner—4.

Mr. Lott in the chair, Mr. Tingley then offered the following amendment to section twenty-five,

“In estimating the value of real estate, aside from improvements, due weight shall be given to the incompleteness of the title thereof, for want of confirmation by the United States Government.”

Which was lost by the following vote :

## AYES.

Messrs. Roach,  
Tingley,

Van Buren,  
Warner—4.

## NAYS.

Messrs. Denver,  
Estill,

Messrs. Lott,  
Miller,

Messrs. Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Ralston,  
Robinson,  
Snyder,  
Walton—13.

On motion of Mr. Robinson, section twenty was amended by inserting the word "market," after the word "cash," in the oath or affirmation.

The Senate concurred in the amendment made in Committee of the Whole to section twenty-sixth; and in the amendment to section twenty-seventh.

The Senate concurred in the amendment made in Committee of the Whole to section thirty-one.

On motion of Mr. Hubbs, section fifty-six was amended by inserting after the words "poll tax," in line second, the words:

"One third to the use of the county, and two-thirds."

On motion of Mr. Lewis, the words "and county," were inserted after the word "State," in the last line of section thirty-six.

And on motion of Mr. Lewis, a corresponding amendment was made in section fifty.

Amendment to section eighty-three was also concurred in.

On motion of Mr. Lewis, the following words in section ninety-three were struck out:

"Deriving an income or profit from their capital."

Mr. Lewis then moved to strike out in section ninety-four, second division, the following words:

"And the present value of all machinery, and of all works and improvements." Which was lost.

Mr. Lewis moved to strike out in section ninety-four, in the second division, as follows:

"The capital stock actually paid in, and secured to be paid in."

Which was agreed to by the following vote:

AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Roach,  
Snyder,  
Soule,  
Van Buren,  
Walton—14.

NAYS.

Messrs. Robinson,  
Tingley,

Mr. Warner—3.

The Senate also concurred in the amendment to section ninety-six, adopted in Committee of the Whole.

On motion of Mr. Robinson, the following amendment to section ninety-eight was adopted.

*Provided*, That the Counties of San Francisco and Sacramento, the Board of Supervisors, or the Court of Sessions, shall cause the taxes for State and County purposes to be assessed from the assessment lists made by the city assessors, and the county assessors shall receive no pay for any assessment made by them within the limits of said cities.

*Provided*, Also, that the Treasurers of said counties shall receive for their services, in lieu of all other fees or salary, one-half of one per cent. on all moneys received, paid out, and accounted for by them.

The Senate refused to concur in the amendment made in Committee of the Whole, by the addition of section ninety-nine :

And concurred in the amendments to the bill made in Committee of the Whole, by the addition of sections one hundred, one hundred and one, and one hundred and two.

The bill was then read a third time, and on the question, "shall the bill pass," it was decided in the affirmative by ayes and nays, as follows :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Ralston,  
Snyder,  
Walton—11.

## NAYS.

Messrs. Roach,  
Robinson,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—6.

Mr. Ralston gave notice, that he would on to-morrow move a reconsideration of the vote.

On motion of Mr. Soule, leave of absence was granted to Mr. Broderick.

On motion of Mr. Lott, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.



## IN SENATE.

SATURDAY, April 17, 1852.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Van Buren submitted a resolution, which was adopted, granting leave to C. M. Blake to withdraw from the files of the last Senate a certain account in favor of J. Winchester.

Mr. Hubbs, from the Committee on Finance, to whom was referred "an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same," reported the same back with amendments, and recommended the passage of the bill.

The report was accepted and laid on the table.

Mr. Van Buren, from the Joint Committee on the disagreeing vote of the two Houses on the bill for "an Act concerning the organization of the Militia," reported certain amendments agreed upon by the Committee.

Mr. Cooke moved to lay the report upon the table, which was lost by the following vote :

## AYES.

Messrs. Cooke,  
Denver,  
Frye,

Messrs. Hubbs,  
Ralston,  
Warner—6.

## NAYS.

Messrs. Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walton—12.

Mr. Keyser moved that the Senate concur in the amendments, which was agreed to by the following vote :

## AYES.

Messrs. Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Walton—14.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,

Messrs. Fry,  
Hubbs,  
Warner—6.

Mr. Walton moved to re-consider the vote taken yesterday on the bill for "an Act to enumerate the inhabitants of the State of California," which was agreed to.

And, on motion of Mr. Van Buren, the third reading of the bill was also re-considered.

Mr. Walton moved the following amendment :

Section 4. Amend the proviso by striking out after the words—"shall not exceed," to the end of the section, and insert ten dollars per day for each day actually employed in taking such enumeration.

Which was adopted by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Frye,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Snyder,  
Tingley,  
Van Buren,  
Walton—13.

## NAYS.

Messrs. Cooke,  
Hubbs,  
Roach,

Messrs. Robinson,  
Soule,  
Warner—6.

The bill was then read a third time and passed.

Mr. Lott, from the Committee on Claims, to whom had been referred the account of Cronin and Markley, reported the same back, with a bill for "an Act for the relief of Cronin and Markley," which was read a first and second time and laid on the table.

Mr. Lott, from the Committee on Claims, to whom was referred Assembly bill for "an Act for the relief of A. G. Kimball," reported the same back and recommended its passage.

The report was adopted and the bill read a third time ; and on the question—"Shall the bill now be passed ?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Denver,  
Frye,  
Keene,

Messrs. Ralston,  
Roach,  
Robinson,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,

Messrs. Snyder,  
Tingley,  
Walton—13.

# NAYS.

Messrs. Cooke,  
Hubbs,

Mr. Warner—3.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers."

The report was adopted and the bill was read a third time and passed.

Mr. Keyser, from the Select Committee to whom was referred Assembly bill for "an Act to appoint Commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County at the time of the organization of Nevada County; and to determine, also, the amount of indebtedness of Sutter County, justly chargeable to Placer County at the time of the organization of Placer County," reported the same back and recommended its passage.

The report was adopted, and the bill read a third time and passed.

On motion of Mr. Ralston, the vote on the passage of the bill for "an Act to provide for the levying, assessing and collecting the public Revenue," was re-considered, and the vote on its third reading was also re-considered.

Mr. Ralston moved to amend by striking out the Senate amendment to section ninety-eighth.

Agreed to.

Mr. Robinson submitted an amendment to section ninety-eighth, which was adopted.

The bill was then read a third time and passed.

Mr. Keyser, on leave, introduced a bill for "an Act to change the northern boundary line of Sutter County and to establish the Seat of Justice in said county," which was read a first and second time and referred to Messrs. Keyser, McKibben, Lewis and Lott.

On motion of Mr. Warner, the vote taken yesterday, non-concurring in Assembly amendment to the bill for "an Act amendatory of 'an Act concerning Coroners,'" passed April 19th, 1851, was re-considered.

The amendment was then concurred in.

Mr. Cooke, from the Judiciary Committee, to whom was referred the bill for "an Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers," reported the same back and recommended its passage.

The report was accepted and the bill made the special order for Monday next at 1 o'clock.

Mr. Ralston, from the Committee on Corporations, to whom was referred the bill for "an Act to amend an Act entitled an Act concerning Corporations," reported back, as a substitute, a bill for "an Act to amend the one hundred and thirty-eighth section of the Act concerning Corporations," approved April 22d, 1851.

The report was adopted and the substitute read a third time and passed.

Mr. Lewis submitted a resolution, making Assembly bill for "an Act recommending the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," the special order for Monday next, at 12 o'clock, which was adopted by the following vote:

Messrs. Denver,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. Roach,  
Robinson, •  
Snyder,  
Soule,  
Tingley—10.

NAYS.

Messrs. Cooke,  
Hubbs,  
Lott,

Messrs. Ralston,  
Van Buren—5.

Mr. Lott presented the claims of Messrs. Hardenburgh and Henrie, \$202 50, and Messrs. Stow and Carpenter, \$25 00, for stationery, etc., which were referred to the Committee on Claims.

On motion of Mr. Hubbs, the bill for "an Act in relation to Licenses," was taken from the table and made the special order for this evening, at 8 o'clock.

On motion of Mr. Soule, the bill for "an Act concerning Common Schools," was taken from the table, amended, read a third time, and passed.

On motion of Mr. Denver, the vote on the passage of a bill for "an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers," was re-considered, and the vote on the third reading was also re-considered.

Mr. Denver then moved to amend by "excepting the Counties of Trinity, Klamath and San Joaquin from the provisions of the bill," which was adopted, and the bill again read a third time and passed.

A message was received, informing the Senate that the Assembly passed on yesterday Senate bills—

An Act defining the boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25th, 1851.

An Act amendatory of an Act to provide for the Translation of the Laws into the Spanish language, passed March 15th, 1851.

An Act concerning the offices of Comptroller and Treasurer of State.

An Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State and to provide for their support.

An Act to amend the twentieth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

And an Act to authorize the construction of a wagon road from Humboldt Bay to Sacramento Valley.

Assembly bill for "an Act to authorize the construction of a wagon road



from Humboldt Bay to the Sacramento Valley," was read a first and second time and referred to the Committee on Roads and Highways.

Assembly bill for "an Act to amend the twentieth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," was then read a first and second time and referred to a Select Committee, consisting of Messrs. McKibben and Keene.

Assembly bill for "an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State and to provide for their support," was read a first and second time and referred to the Committee on State Hospitals.

Mr. Robinson introduced a bill for "an Act amendatory of an Act entitled an Act to Incorporate the City of Sacramento," which was read a first and second time and referred to Messrs. Robinson and Ralston.

On motion of Mr. Tingley, Assembly bill for "an Act for the relief of Lafayette Maynard," was taken from the table, read a third time and passed.

On motion of Mr. Walton, the bill for "an Act to provide for the protection of Foreigners and to define their duties and privileges," was taken from the table, amended, read a third time; and on the question—"Shall the bill be now passed?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Walton—11.

## NAYS.

Messrs. Cooke,  
McKibben,  
Roach,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—7.

On motion of Mr. Keene, Assembly bill for "an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans," was taken from the table.

Mr. Keene moved that it be re-committed to the Committee on Claims, with instructions to report amendments in accordance with accounts rendered, which was agreed to by the following vote:

## AYES.

Messrs. Denver,  
Fry,  
Hubbs,  
Keene,

Messrs. Ralston,  
Robinson,  
Soule,  
Tingley,

Messrs. Lott,  
Miller,

Messrs. Walton,  
Warner—12.

## NAYS.

Messrs. Cooke,  
Roach,

Mr. Van Buren—3.

A message was received, informing the Senate that the Assembly had refused to concur in the Senate amendments to Assembly bill for "an Act to provide for levying, assessing and collecting the Public Revenue," and had appointed Messrs. Wall, Hinchman and Orrick as a Committee of Conference.

Mr. Robinson moved that a like Committee be appointed on the part of the Senate.

Agreed to.

The chair appointed Messrs. Robinson, Walton and Hubbs.

On motion of Mr. Hubbs, the bill for "an Act to amend an act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco," passed February, 1850, was taken from the table.

Mr. Robinson moved to strike out the fourth section of the bill, which was lost by the following vote :

## AYES.

Messrs. Estill,  
Lott,  
Miller,

Messrs. Ralston,  
Van Buren,  
Warner—6.

## NAYS.

Messrs. Fry,  
Hubbs,  
Lewis,  
Lind,  
Roach,

Messrs. Robinson,  
Soule,  
Tingley,  
Walton—9.

Mr. Van Buren moved to lay the bill upon the table, which was agreed to.

A message was received, informing the Senate that the Assembly had passed this day Senate bill for "an Act to amend the fourth section of an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851.

Mr. Van Buren asked and obtained unanimous consent to amend the thirty-third standing rule of the Senate, by striking out the words "eleven," and inserting the words "ten."

The amendment was adopted unanimously.

On motion of Mr. Ralston, the "Joint Resolution of Instructions to our Representatives in Congress, in relation to the claim of Elias Waldron," was taken from the table, read a third time and passed.

Mr. Van Buren moved to adjourn, which was lost by the following vote :

## AYES.

Messrs. Lind,  
Lott,  
Ralston,  
Soule,

Messrs. Van Buren,  
Walton,  
Warner—7.

## NAYS.

Messrs. Denver,  
Fry,  
Hubbs,  
Miller,

Messrs. Roach,  
Robinson,  
Tingley—7.

Mr. Hubbs moved to take a recess until 8 o'clock, P. M.  
No quorum present.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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 IN SENATE.

MONDAY, April 10, 1852.

The Senate met pursuant to adjournment.

President *pro tem* in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday was read and approved.

Mr. McKibben presented petitions from citizens of Yuba County, remonstrating against the passage of a bill to change the boundaries of said County, which was read and referred to the Select Committee, to whom was referred the bill to define the boundaries of Sutter County.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed,

“An Act to provide for the Public Printing;”

“An Act to prohibit the exercise of Banking Privileges and the issue of Warrants or Scrip to circulate as money;” Also,

“Joint Resolution of instructions to our Representatives in Congress in relation to the claim of Elias Waldron.”

The report was adopted.

Mr. McKibben, from the Committee on Enrolled Bills, submitted a report recommending additional clerks to assist in enrolling bills.

The report was accepted.

Mr. Van Buren submitted the following resolution:

*Resolved*, That the Engrossing and Enrolling Committee have power to employ additional clerks to assist committee clerks, whenever, in the opinion of the Committees, such assistance shall be absolutely necessary to the dispatch of business of the Committees. And further, that said additional clerks be allowed the sum of \$— per diem each, for the number of days that each may be actually employed.

Mr. McKibben moved to fill the blank with \$20, which was lost by the following vote :

AYES.

Mr. McKibben,

Mr. Miller—3.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lott,

Messrs. Roach,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—13.

Mr. Estill moved to fill the blank with \$14, which was lost by the following vote :

AYES.

Messrs. Estill,  
Hubbs,  
McKibben,

Messrs. Roach,  
Tingley—5.

NAYS.

Messrs. Cooke,  
Denver,  
Fry,  
Keene,  
Lewis,  
Lott,

Messrs. Miller,  
Ralston,  
Snyder,  
Soule,  
Van Buren,  
Warner—12.

Mr. Van Buren moved to fill the blank with \$10, which was agreed to, and the resolution was passed.

Mr. Hubbs, from the Committee on Commerce and Navigation, to whom was referred the bill for “an Act concerning the office of Port Warden and defining the duties and powers thereof,” reported the same back with amendments, and recommended its passage.

The report was accepted and laid on the table.

Mr. McKibben, from the Select Committee to whom was referred Assembly bill for “an Act to amend the twentieth section of an Act entitled



'an Act dividing the State into Counties and establishing the Seats of Justice therein,' reported the same back and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Snyder, from the Committee on Claims, to whom was referred Assembly bill for "an Act to authorize and require the Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans," reported the same back with a substitute under the same title, which was adopted, and read a first time and laid over under the rule.

On motion of Mr. Hubbs, the bill for "an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by by this State prior to being admitted into the Union, and the mode of appropriating the same," was taken from the table, read a third time, and passed.

Mr. Cooke, from the Judiciary Committee, to whom was referred Assembly bill for "an Act to provide for the filling of vacancies in County Offices," and Senate bill for "an Act to amend the forty-seventh section of the Act entitled 'an Act concerning Officers,' passed April 28th, 1851," reported the same back and recommended their indefinite postponement.

The report was adopted, and the bills indefinitely postponed.

The same Committee also reported back Assembly bill for "an Act defining the time of commencing civil actions in certain cases," and recommended that the same be indefinitely postponed.

The report was accepted and laid on the table.

Mr. Estill gave notice that he would, on to-morrow, introduce a bill for an Act reclaiming the swamp and overflowed lands of this State, and for the sale of the same in small parcels—the surplus after paying for the reclamation, to be placed in the Treasury of the State; and

On motion of Mr. Estill, all the bills on that subject were referred to a Select Committee of five.

The chair appointed Messrs. Estill, Snyder, Fry, Ralston and Denver, the Committee.

"Assembly Concurrent Resolution fixing nineteenth of April as the day of adjournment," was then taken from the table.

Mr. Van Buren moved to strike out "Monday, nineteenth."

Agreed to.

Mr. Cooke moved to insert "Saturday next, the twenty-fourth instant."

Mr. Warner moved to insert "Monday, twenty-sixth instant."

Mr. Van Buren moved to lay the whole subject on the table, which was lost by the following vote:

# AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,

Messrs. Lewis,  
Lind,  
Lott,  
Van Buren—8.

## NAYS.

Messrs. Cooke,  
Miller,  
Ralston,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley,  
Warner—8.

Mr. Denver moved to insert "Saturday, first day of May," which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Van Buren,  
Warner—10.

## NAYS.

Messrs. Cooke,  
Fry,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley—6.

Mr. Roach moved a call of the Senate.

Not sustained.

The question was then taken on the passage of the resolution, and it was lost by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,

Messrs. Lewis,  
Miller,  
Snyder—7.

## NAYS.

Messrs. Cooke,  
Hubbs,  
Lind,  
Lott,  
McKibben,  
Ralston,

Messrs. Roach,  
Soule,  
Tingley,  
Van Buren,  
Warner—11.

Mr. Warner gave notice that he would, on to-morrow, move to re-consider the vote just taken.

Mr. McKibben from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

A "Joint Resolution relative to the distribution of the Laws of 1851 ;"  
Also,

“An Act to provide for the payment of the salary of Wm. T. Barbour, Judge of the tenth Judicial District.”

The report was adopted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed,

“An Act to amend the thirteenth section of an Act concerning Corporations, approved April 22d, 1851.”

The report was adopted.

On motion of Mr. Lott, the bill for “an Act for the relief of E. J. C. Kewen,” was taken from the table.

On motion of Mr. Lott, a call of the Senate was ordered, and on the roll being called, Messrs. Fry, Keyser, Lind, McKibben, Robinson and Walton, were absent.

On motion of Mr. Cooke, further proceedings under the call were dispensed with.

Mr. Van Buren moved to lay the bill on the table.

Not agreed to.

Mr. Cooke moved to amend by striking out the words “two thousand and sixteen dollars.”

Agreed to.

Mr. Cooke moved to fill the blank with “five hundred dollars.” Lost.

Mr. Fry moved to fill the blank with “thirteen hundred dollars.”

Mr. Lott moved to fill it with “fifteen hundred dollars.”

The question was first taken on Mr. Lott’s motion, and it was carried by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Keene,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Soule,  
Tingley—9.

#### NAYS.

Messrs. Cooke,  
Fry,  
Ralston,

Messrs. Roach,  
Walton,  
Warner—6.

The bill as amended was then read a third time, and the question “shall the bill now be passed,” the ayes and nays were demanded with the following result :

#### AYES.

Messrs. Denver,  
Estill,  
Keene,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Soule,  
Tingley—9.

## NAYS.

Messrs. Cooke,  
Fry,  
Hubbs,  
Ralston,

Messrs. Roach,  
Walton,  
Warner—7.

So the bill was passed.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act to provide for the protection of foreigners, and to define their liabilities and privileges."

The report was adopted.

On motion of Mr. Fry, the Committee on Education was requested to report to the Senate on to-morrow, the Assembly bill for "an Act to provide for the disposal of the 500,000 acres of land granted by the General Government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools."

A message was received from the Governor, transmitting to the Senate, certain correspondence in relation to Indian difficulties in the northern portion of the State, which was read and referred to the Committee on Indian Affairs. (See appendix 40.)

The bill for "an Act recommending the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," made the special order for this day, was taken up and made the special order for to-morrow at half past twelve o'clock.

The bill for "an Act to prohibit the exercise of Banking privileges and the issue of Warrants or Scrip to circulate as money," was then read a third time and passed.

On motion of Mr. Cooke, the bill for "an Act to amend an Act for the establishment of Pilots and Pilot regulations for the port of San Francisco, passed February, 1850," was taken under consideration.

Mr. Robinson moved to amend by striking out the fourth section of the bill, which was lost by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,

Messrs. Keene,  
Ralston,  
Van Buren—6.

## NAYS.

Messrs. Cooke,  
Hubbs,  
Lott,  
McKibben,  
Miller,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley—10.

The bill was then read a third time, and on the question "shall the bill be now passed," it was decided in the affirmative by the following vote :



## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley—13.

## NAYS.

Messrs. Lott,  
Ralston,

Mr. Van Buren—3.

Mr. Robinson gave notice that he would, on to-morrow, move to re-consider the vote just taken.

Mr. Fry moved to re-consider the vote taken yesterday on the passage of the bill for "an Act concerning Common Schools."

Mr. Lott moved a call of the Senate, which was sustained.

On motion of Mr. Van Buren, further proceedings under the call were dispensed with.

Mr. Cooke moved to lay the motion to re-consider, on the table, which was agreed to.

Mr. Robinson, from the Committee of Conference, submitted the following report:

*Mr. President:*

The Committee of Conference appointed on the disagreement of the Senate and Assembly, on the Senate amendment to the Assembly bill, "an Act to provide for the levying, assessing and collecting Public Revenue," report as follows:

That the Senate recede from the second amendment to section one. Also, to sections twenty, twenty-six, twenty-seven, and ninety-nine.

The Committee recommend the following as a substitute for Senate amendment to section twenty-one:

Add to the end of the section, "Ninety cents of each poll tax collected under the provisions of this Act, shall be paid into the County Treasury for the use of the County. The remainder, after deducting ten per cent. allowed to the Assessor, or the fee of one dollar allowed to the Sheriff, as the case may be, shall be paid over for the use of the State."

They recommend the following as a substitute to the amendment to section fifty-six:

After the words "for the use of the State," insert "and County, to be divided in the manner specified in section twenty-one." And in the same section, after the words "five dollars for the use of the State," insert "and County."

The Committee have recommended that the Senate insist on its amendment to "strike out section twenty-five." Should that be done, they recommend that section one hundred be inserted in its stead, and that section one hundred and two be numbered "ninety-nine;" and that the Senate

insist upon their first amendment to section "one," and to sections four, five, seventeen, twenty-five, thirty-one, forty-seven, fifty, eighty-three, ninety-three, ninety-four, ninety-six, and one hundred.

H. E. ROBINSON,

*Chairman Senate Committee.*

ISAAC B. WALL,

*Chairman of Assembly Committee.*

On motion of Mr. Hubbs, the report was concurred in.

Mr. Ralston moved to take from the table the bill for "an Act to authorize James Gallagher and others to build a toll bridge across the American River," which was agreed to by the following vote :

AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Miller,

Messrs. Ralston,  
Robinson,  
Soule,  
Tingley,  
Walton—11.

NAYS.

Messrs. Lind,  
Snyder,

Messrs. Van Buren,  
Warner—4.

The bill was then read a third time, and on the question "shall the bill be now passed," it was decided in the negative by the following vote :

AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,

Messrs. Hubbs,  
Keene,  
Lind,  
Ralston—8.

NAYS.

Messrs. Lott,  
Miller,  
Roach,  
Snyder,  
Soule,

Messrs. Tingley,  
Van Buren,  
Walton,  
Warner—9.

A message was received, informing the Senate that the Assembly passed this day, Senate bill for the relief of Taaffe and McCahill,

And receded from its amendment to Senate Joint Resolution authorizing the Secretary of State to receive proposals for the State translating, until 19th April, 1852.

Mr. Estill, on leave, introduced a bill for "an Act to authorize William Moody and Morgan Hart to build a Wharf in the County of Solana," which was read a first and second time, the rules suspended, it was read a third time and passed.

Mr. Cooke moved that five hundred copies of the Governor's message and accompanying correspondence, transmitted to the Senate this day, be printed.

Mr. Van Buren moved that the Secretary of the Senate be instructed to have it printed in one paper in Sacramento, San Francisco and Stockton.

Not agreed to.

Mr. Van Buren moved to print two hundred and fifty copies.

The question was then taken on the motion to print five hundred copies, and decided in the affirmative by the following vote :

#### AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lott,  
Miller,  
Ralston,  
Snyder,  
Van Buren,  
Warner—12.

#### NAYS.

Messrs. Roach,  
Robinson,

Mr. Soule—3.

Mr. Van Buren gave notice that he would, on to-morrow, move to reconsider the vote just taken.

On motion of Mr. Estill, the Senate took a recess until eight o'clock this evening.

#### EVENING SESSION.

Senate re-assembled at eight P. M.

President *pro tem.* in the chair.

The Sergeant-at-Arms was directed to request the absent Senators to come within the Bar of the Senate.

On motion of Mr. Cooke, Mr. Keyser was granted leave of absence.

Mr. Van Buren asked for and obtained unanimous consent for the Enrolling Committee of the Senate, to make the following correction in the "Act to re-incorporate the City of Stockton, the omission being a clerical error :

Insert, after "Alderman," in the fourth section of article first, the words "Marshal, Harbor Master, Treasurer and Assessor."

Mr. McKibben, from the Joint Committee on Enrollments, reported as correctly enrolled,

"An Act for the relief of A. G. Kimball ;"

"An Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State ;"

And the report was adopted.

The Senate then, as in Committee of the Whole, took under consideration Senate bill number eighty-three, for "an Act concerning Licenses," and Senate bill number one hundred and thirteen, for "an Act in relation to Licenses," and having made sundry amendments thereto, rose and reported the bills back; when, on motion of Mr. Hubbs, they were referred to a Special Committee of three, with instructions to incorporate their provisions into one bill.

The chair announced as the Committee, Messrs. Hubbs, Tingley and Robinson.

Mr. McKibben moved to adjourn. Lost.

On motion of Mr. Miller, Assembly bill to "provide for the ordering of a special election in the County of Trinity," was taken from the table. The bill was then amended, read a third time and passed.

Mr. Robinson moved to take up Senate bill for "an Act to incorporate the Sacramento Water Company."

The motion was lost.

(Mr. Lott in the chair.)

Mr. Estill, from the Select Committee, reported back Senate bill for "an Act for the appointment of Flour Inspectors," with a substitute, recommending its passage, instead of the original bill.

The report was accepted, and the substitute read.

Mr. Walton moved to adjourn, but withdrew the motion, which was renewed by Mr. Soule, put, and lost.

The President then directed the substitute entitled "an Act to provide for the appointment of Flour Inspectors for the State of California," to be read a third time.

Mr. Van Buren objected to its third reading.

The chair decided that the substitute took the same position as the original bill, which was read twice before it was referred to the Select Committee, and hence it was in order for the substitute to be put upon its third reading.

Mr. Van Buren appealed from this decision, and the question being "shall the decision of the chair (Mr. Lott) stand as the judgment of the Senate," it was decided in the affirmative by the following vote:

#### AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lewis,  
Miller,  
Robinson,  
Snyder,  
Walton—11.

#### NAYS.

Messrs. McKibben,  
Roach,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—6.



Mr. Robinson gave notice that on to-morrow, he would move a re-consideration of the vote just taken.

Mr. Lewis moved the adoption of the substitute in the place of the original bill.

Mr. Warner moved to lay the substitute on the table, which was lost by ayes and nays as follows :

AYES.

Messrs. Roach,  
Soule,

Messrs. Van Buren,  
Warner—4.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Lewis,  
Lott,  
Miller,  
Walton—10.

The question then recurring on the motion of Mr. Lewis, it was carried and the substitute adopted.

On motion of Mr. Estill, a call of the Senate was ordered, and the following Senators were absent :

Messrs. Lind, Ralston, Roach, Robinson, Snyder, Tingley and Warner.

On motion of Mr. Fry, Mr. Ralston was excused from the action of the call.

The Sergeant-at-Arms was then directed to bring the absentees within the bar of the Senate.

A motion by Mr. Miller to suspend further proceedings under the call, was lost.

The Sergeant-at-Arms returned with Messrs. Lind and Tingley, and stated that he was unable to find the other Senators.

On motion of Mr. Cooke, Messrs. Lind and Tingley were excused from the operation of the call.

The discussion was continued, and the Senate, at one o'clock A. M., on motion of Mr. Walton, adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, April 20, 1852.

The Senate met pursuant to adjournment.

President in the chair.

The Journal of Monday was read and approved.

Mr. Fry presented the claim of W. F. McLean for \$754, which was read and referred to the Committee on Claims.

Mr. Hubbs from the Committee on Commerce and Navigation, to whom was referred the bill for "an Act regulating the duties of Harbor Master of the Port of San Francisco," reported the same back, with amendments, and recommended its passage.

The report was accepted and laid on the table.

Mr. Lott from the Committee on Claims, reported in relation to the proper mode of paying claims, recommending that they be settled in accordance with the provisions of the fourteenth section of "an Act concerning the Revenue, Funds, Expenditure and Property of the State."

The report was adopted.

Mr. Van Buren reported as correctly engrossed, a bill for "an Act authorizing the Treasurer of the State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same."

The report was adopted.

Mr. Robinson moved to re-consider the vote taken yesterday on the passage of the bill for "an Act to amend an Act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco," passed February, 1850, which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Fry,  
Keene,  
Lott,

Messrs. Ralston,  
Robinson,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Hubbs,  
McKibben,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley—6.

Mr. Robinson, from the Select Committee, to whom was referred the bill for "an Act amendatory of an Act entitled an Act to incorporate the City of Sacramento," reported the same back with amendments, and recommended its passage.

The report was accepted and the bill laid upon the table.

The bill was subsequently taken from the table, the amendments of the Committee adopted, and the bill read a third time and passed.

Mr. Robinson presented the memorial of E. O. Crosby, praying remuneration.

ration for services rendered the State, which was read, and referred to a Select Committee, consisting of Messrs. Tingley, Robinson and Roach.

Mr. Broderick, from the Select Committee, to whom was referred the bill for "an Act providing for the erection of a powder magazine in San Francisco," reported the same back with an amendment, which was concurred in, and the bill read a third time and passed.

Mr. Ralston, on leave, introduced a bill for "an Act to divide the County of Colusi," which was read a first time and laid over under the rule.

On motion of Mr. Fry, the bill for "an Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," was taken from the table.

Mr. Hubbs moved a call of the Senate, which was sustained, and the roll being called, Mr. Lind was absent.

On motion of Mr. Broderick, further proceedings under the call were dispensed with.

Mr. Broderick moved to indefinitely postpone the bill under consideration, which was agreed to by the following vote :

# AYES.

Messrs. Broderick,  
Cooke,  
Fry,  
Hubbs,  
Lind,  
Lott,

Messrs. Ralston,  
Snyder,  
Soule,  
Van Buren,  
Walton—11.

# NAYS.

Messrs. Estill,  
Keene,  
Lewis,  
McKibben,  
Miller,

Messrs. Roach,  
Robinson,  
Tingley,  
Warner—9.

Mr. Broderick moved to re-consider the vote just taken.

Mr. Robinson moved a call of the Senate, which was lost by the following vote :

# AYES.

Messrs. Keene,  
Lewis,  
Miller,  
Roach,

Messrs. Robinson,  
Tingley,  
Van Buren,  
Warner—8.

# NAYS.

Messrs. Broderick,  
Cooke,  
Estill,

Messrs. Lott,  
McKibben,  
Ralston,

Messrs. Fry,  
Hubbs,  
Lind,

Messrs. Snyder,  
Soule,  
Walton—12.

Mr. Cooke moved to indefinitely postpone the motion to reconsider, which was agreed to by the following vote:

## AYES.

Messrs. Broderick,  
Cooke,  
Fry,  
Hubbs,  
Lind,  
Lott,

Messrs. Ralston,  
Snyder,  
Soule,  
Van Buren,  
Walton—11.

## NAYS.

Messrs. Denver,  
Estill,  
Keene,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Robinson,  
Tingley,  
Warner—10.

A message was received, informing the Senate that the Assembly passed yesterday the following bills:

“An Act to authorize Dennis B. Mooney to collect tolls on a Ferry across Trinity River in Trinity County, or to substitute a toll bridge for the same.”

“An Act to authorize Wm. Morehead, Thomas Palmer & Co., to collect tolls on a bridge across Trinity River, in Trinity County.”

“An Act for the relief of James S. Raines.”

And concurred in the report of the Conference Committee upon the bill for “an Act to provide for levying, assessing and collecting the Public Revenue.”

Assembly bill for “an Act to authorize Dennis B. Mooney to collect tolls on a Ferry across Trinity River, in Trinity County, or to substitute a toll bridge for the same,” was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for “an Act for the relief of James S. Raines,” was read a first and second time, and referred to the Committee on Claims.

Assembly bill for “an Act to authorize William Morehead, Thomas Palmer & Co., to collect tolls on a bridge across Trinity River in Trinity County,” was read a first and second time, and referred to the Judiciary Committee.

Mr. Cooke, on leave, introduced a bill for “an Act concerning Acknowledgment of Deeds and other instruments in writing,” which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Hubbs, the bill for “an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans,” was read a second time, and laid over under the rule.



Mr. McKibben from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of Lafayette Maynard;"

"An Act to appoint Commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County, at the time of the organization of Nevada County, and to determine also the amount of indebtedness of Sutter County, justly chargeable to Placer County, at the time of the organization of Placer County;"

"An Act to provide for funding the debt of San Joaquin County for the payment of the interest thereon, and for the gradual liquidation of the debt;"

And "an Act creating Tulare County, and to provide for its organization."

The report was adopted.

On motion of Mr. Lott, the bill for "an Act for the relief of Lorenzo Hubbard," was taken from the table, read a third time and passed.

On motion of Mr. Broderick, the bill for "an Act for the relief of Cronin and Markley," was taken from the table, read a third time and passed.

Mr. Denver submitted a concurrent resolution, which was adopted, to appoint a Joint Committee of the two houses to inquire into the amount of printing ordered by the Legislature, and the amount charged for the same. The chair appointed Messrs. Denver, Lott and Ralston as such Committee.

Mr. Ralston, on leave, introduced a bill for "an Act to legalize certain records of deeds, and other instruments in writing made by Henry A. Schoolcraft," which was read a first and second time, and referred to the Judiciary Committee.

Mr. Fry submitted the following resolution, which was adopted :

"*Resolved*, That the Secretary be requested to lay upon the President's desk all unfinished business, in his possession, to be taken up and acted upon by the Senate in its order."

On motion of Mr. Lind, the bill for "an Act providing for a fund for the use of the State Library," was taken from the table, a substitute adopted under the same title, which was read a first and second time, the rules suspended it was read a third time and passed.

On motion of Mr. Hubbs, the bill for "an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes," was taken from the table, read a first and second time, the rules suspended, it was considered, engrossed, read a third time and passed.

On motion of Mr. Robinson, the bill for "an Act to incorporate the Sacramento Water Company," was taken up, amended, read a third time and passed.

Mr. Walton moved to reconsider the vote taken yesterday, by which the Senate refused to pass the bill for "an Act to authorize James Gallagher and others, to build a toll bridge across the American River," which was agreed to, and the bill was laid upon the table.

On motion of Mr. Van Buren, the bill, for "an Act concerning the salaries of Officers and pay of Members of the Legislature," was taken from the table, the amendments reported by the Committee concurred in, and the

bill recommitted to a Select Committee, consisting of Messrs. Van Buren, Fry and Roach.

On motion of Mr. Lewis, Mr. Denver was added to the Committee on Roads and Highways.

On motion of Mr. Lewis, all the Joint Resolutions in relation to the Compromise Measures of the last Congress, were made the special order for eight o'clock this evening.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act providing for the erection of a powder magazine in San Francisco ;"

And "an Act to authorize Wm. Moody, and Morgan Hart, to build a wharf in the County of Solano."

The report was adopted.

On motion of Mr. Warner, the bill for "an Act supplementary to an Act to incorporate the City of Los Angeles," passed April 1st, 1850, was taken from the table amended, read a third time and passed.

On motion of Mr. Lewis, the Senate took a recess until eight o'clock this evening.

### EVENING SESSION.

Senate re-assembled at 8 P. M.

President pro tem. in the chair.

Mr. Warner, pursuant to notice, introduced a Joint Resolution to provide for the printing and distribution of the Revenue Law, which was read a first, second, and third time, when

On motion of Mr. Cooke, the third reading was reconsidered.

The resolution was then amended on motion of Mr. Cooke, so as to read five hundred copies in English, and one hundred copies in the Spanish language.

It was further amended on motion of Mr. Warner, and then read a third time and passed.

Mr. Robinson introduced a resolution requesting the respective Committees to report the bills, &c. referred to them, and prohibiting the introduction of bills after the 23d of April ; which was read and laid on the table for the present.

On motion of Mr. Broderick, Senate bill for "an Act to amend an Act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco," passed February, 1850, was taken under consideration.

Mr. Robinson moved to amend, by inserting after the word Governor, in the fourth line of section first, "after the term of office of the present incumbents has expired," which was adopted.

On motion of Mr. Broderick, the following words in the sixth and seventh lines of same section were struck out ; "upon the recommendation of the Chamber of Commerce of that Port."

The fourth section, on motion of Mr. Broderick, was struck out as follows :

*"Provided, That any citizen of California who shall have commanded, for the term of one year, as master or mate, a square-rigged vessel sailing out of the port of San Francisco, shall be admitted without the service-*

qualification required in this act, on his giving satisfactory evidence to the Commissioners of his practical acquaintance with the duties required in section twelve of this Act."

The bill, as amended, was then read a third time and passed.

Mr. Broderick presented two petitions from citizens of San Francisco, remonstrating against the passage of a law "for the appointment of an Inspector of Liquors and requiring liquors to be inspected."

The petitions were read and laid upon the table.

Mr. Hubbs, from the Select Committee, to whom had been referred Senate bills for "an Act concerning Licenses ;"

And for "an Act in relation to Licenses ;" with instructions to incorporate their provisions into one, reported the bills back, and recommended the passage of the bill for "an Act concerning Licenses," as amended by the Committee.

The report was accepted, and the bill laid upon the table.

The special orders for this evening, being Assembly "Joint Resolutions in reference to the Compromise Measures passed by the Thirty-first Congress ;"

And Senate "Joint Resolutions on the subject of the Compromise Measures adopted by Congress on the subject of Slavery," introduced by Mr. Tingley.

And Senate "Joint Resolutions approving the Compromise Measures of the last Congress," reported by Mr. Van Buren, from the Select Committee, to whom had been referred the resolutions of the State of New Jersey on the same subject, were then taken under consideration.

Mr. Walton moved to strike out the first of the Assembly resolutions.

Mr. Broderick moved to adopt the resolutions reported by the Select Committee.

Mr. Ralston moved to strike out in the first of the resolutions reported by Select Committee, the word "implied." Motion lost.

The question then recurring on Mr. Broderick's motion, it was decided in the affirmative, by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walton,  
Warner—19.

#### NAYS—NONE.

Mr. Broderick presented the petition of C. C. Chapman, of San Fran-

cisco, praying for redress for damages sustained by him, by the passage of the Water Lot Law of March 26th, 1851. The petition was read, and

On motion of Mr. Broderick, Assembly bill for "an Act to repeal the second section of an Act entitled an Act in relation to the City of San Francisco, passed May 1st, 1851 ;

And Senate bill to repeal "an Act entitled an Act in relation to the City of San Francisco ;"

And Senate bill to repeal "an Act entitled an Act to provide for the disposition of certain property of the State of California," were made the special order for Thursday next, at eleven o'clock.

On motion of Mr. Estill, Senate bill to be entitled "an Act to provide for the appointment of Flour Inspectors for the State of California," was taken from the table.

Mr. Soule moved an adjournment. Motion lost.

The Senate then, as in Committee of the Whole, proceeded to the consideration of the bill ; and having made sundry amendments thereto, rose and reported the same back.

Mr. Broderick moved the adoption of the following amendment to section first :

"There shall be elected by the qualified electors of the cities of San Francisco, Monterey, Sacramento, Stockton, San Diego, and San Pedro, at their next charter election, one Flour Inspector, who shall hold his office for the term of one year, and until his successor is chosen and qualified."

And demanded the ayes and nays upon the same.

Mr. Hubbs moved to amend the motion by adopting the amendments in mass.

Mr. Broderick inquired if the amendment to his motion was in order ? The chair, (Mr. Keene) decided that it was.

Mr. Broderick appealed from this decision.

And on the motion, "shall the decision of the chair stand as the judgment of the Senate ?" it was decided in the negative by the following vote :

#### AYES.

Mr. Estill,

Mr. Hubbs—2.

#### NAYS.

Kessrs. Broderick,  
Cooke,  
Denver,  
Fry,  
Lewis,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Van Buren,  
Walton,  
Warner—12.

Mr. Lott moved to adjourn, which was lost by ayes and nays, as follows :



## AYES.

Messrs. Broderick,  
Ralston,  
Roach,

Messrs. Robinson,  
Van Buren,  
Warner—6.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Lewis,  
McKibben,  
Walton—9.

Mr. Estill moved a call of the Senate, which was not sustained.  
After some further discussion,  
On motion of Mr. Estill, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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IN SENATE.

WEDNESDAY, April 21, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

The Journal of Tuesday was read and approved.

On motion of Mr. Broderick, the bill for "an Act regulating the duties of Harbor Master of the Port of San Francisco," was taken from the table and referred to the Senators from San Francisco County.

Mr. Cooke, from the Judiciary Committee, reported back the bill for "an Act concerning the acknowledgment of deeds and other instruments in writing," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Lewis, from the Committee on Roads and Highways, reported back Assembly bill for "an Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Lott, from the Committee on Claims, reported back the claim of W. F. McLean, for the consideration of the Senate.

The report was accepted and laid upon the table.

Mr. Cooke, from the Judiciary Committee, reported back Assembly bill for "an Act to authorize Dennis B. Mooney to collect tolls on a ferry

across Trinity river, in Trinity County, or to substitute a toll bridge for the same," and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Cooke, from the Judiciary Committee, reported back Assembly bill for "an Act to authorize William Morehead, Thomas Palmer and Company, to collect tolls on a bridge across Trinity river, in Trinity County," and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Lind, on leave, introduced a bill for "an Act to provide that the Treasurer of the County of Calaveras shall be Collector of Taxes for said county until it shall be decided, by the proper tribunal, who is Sheriff of said county," which was read a first and second time; the rules suspended, it was read a third time and passed.

Mr. Miller, from the Committee on Elections, reported back Assembly bill for "an Act to alter the time of holding the General Election," and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Ralston, from the Select Committee, reported back "Joint Resolution in relation to the Swamp Lands," and recommended its passage.

The report was accepted; and, on motion of Mr. Broderick, 500 copies ordered printed. (See appendix 37.)

Mr. Miller, from the Committee on Elections, reported back Assembly bill for "an Act to provide for choosing Electors of President and Vice President of the United States."

The report was accepted, and the bill read a third time and passed.

Mr. Cooke presented the claim of J. Winchester, formerly State Printer, for printing the orders of the Supreme Court, which was read and referred to the Committee on Claims.

Mr. Tingley, on leave, introduced a bill for "an Act for the relief of Mrs. Helen Lount," which was read a first and second time and referred to the Committee on Claims.

On motion of Mr. Broderick, the Assembly bill for "an Act fixing the time at which Representatives in Congress shall be elected," was taken from the table, read a third time and passed.

Mr. Walton, from the Committee on Indian Affairs, reported back Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey Expeditions against the Indians," with amendments, and recommended the passage of the bill.

The report was accepted and laid upon the table.

On motion of Mr. Keene, the bill was made the special order at 8 o'clock this evening.

Mr. Van Buren, from the Select Committee, (Mr. Hubbs in the chair,) reported back the bill for "an Act concerning the salaries of officers and pay of members of the Legislature," with amendments, which were concurred in.

Mr. Lott moved to amend the bill by striking out "5000," for Ninth Judicial District, and insert "3000," which was lost by the following vote:

## AYES.

Messrs. Hubbs,  
Lewis,

Messrs. Lott,  
Warner—4.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Ralston,  
Roach,  
Snyder,  
Soule,  
Tingley,  
Van Buren—13.

Mr. Keene moved to strike out "\$1000," as salary of the Governor's private Secretary, and insert "\$1700," which was agreed to.

The bill was then read a third time; and on the question—"Shall the bill now be passed?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Ralston,  
Roach,  
Snyder,  
Tingley,  
Van Buren,  
Walton,  
Warner—15.

## NAYS.

Mr. Lott,

Mr. Soule—2.

Mr. Ralston gave notice that he would on to-morrow move to re-consider the vote just taken.

On motion of Mr. Denver, the bill for "an Act to provide for the appointment of Flour Inspectors for the State of California," was taken from the table.

Mr. Broderick moved to amend the eighth section by striking out the word "five," before the word cents, and insert "three," which was agreed to by the following vote:

## AYES.

Messrs. Broderick,  
Estill,  
Lind,  
McKibben.

Messrs. Robinson,  
Snyder,  
Soule,  
Tingley,

Messrs. Ralston,  
Roach,

Messrs. Van Buren,  
Warner—12.

NAYS.

Messrs. Cooke,  
Denver,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Miller,  
Walton—9.

Mr. Estill gave notice that he would on to-morrow move to re-consider the vote just taken.

Mr. Tingley moved to amend the first section, so that it should read as follows:

“Section 1. There shall be elected by the qualified Electors of the State, at the next General Election, one Flour Inspector for each of the cities of San Francisco, Monterey, Sacramento, Stockton, San Diego and San Pedro, who shall hold his office for the term of one year and until his successor is chosen and qualified,” which was adopted by the following vote:

AYES.

Messrs. Broderick,  
Lind,  
McKibben,  
Ralston,  
Roach,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walton,  
Warner—12.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Keyser,  
Lewis,  
Miller—9.

Mr. Walton gave notice that he would move to re-consider the vote just taken.

Mr. Walton moved a call of the Senate, which was sustained; and on the roll being called, Messrs. Keyser and Lott were absent.

They appeared and took their seats, when,

On motion of Mr. Fry, further proceedings under the call were dispensed with.

Mr. Walton moved to re-consider the vote on Mr. Tingley's amendment, which was lost by the following ayes and nays:



## AYES.

Messrs. Cooke,  
 Denver,  
 Estill,  
 Fry,  
 Hubbs,  
 Keene,

Messrs. Keyser,  
 Lewis,  
 Lott,  
 Miller,  
 Walton—11.

## NAYS.

Messrs. Broderick,  
 Lind,  
 McKibben,  
 Ralston,  
 Roach,  
 Robinson,

Messrs. Snyder,  
 Soule,  
 Tingley,  
 Van Buren,  
 Warner—11.

Mr. McKibben moved to indefinitely postpone the bill, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
 Lind,  
 McKibben,  
 Ralston,  
 Roach,  
 Robinson.

Messrs. Snyder,  
 Soule,  
 Tingley,  
 Van Buren,  
 Warner—11.

## NAYS.

Messrs. Cooke,  
 Denver,  
 Estill,  
 Fry,  
 Hubbs,  
 Keene,

Messrs. Keyser,  
 Lewis,  
 Lott,  
 Miller,  
 Walton—11.

Mr. Estill moved to lay the bill on the table, which motion was lost by the following vote :

## AYES.

Messrs. Cooke,  
 Denver,  
 Estill,  
 Fry,  
 Hubbs,

Messrs. Keene,  
 Keyser,  
 Lott,  
 Miller,  
 Walton—10.

## NAYS.

Messrs. Broderick,  
Lewis,  
Lind,  
McKibben,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—12.

Mr. Broderick moved that it be the unanimous request of the Senate that the President take the chair and give the casting vote on the questions before the Senate when it is equally divided, which was agreed to.

The President appeared and took the chair.

Mr. Denver submitted the following as an amendment to the bill :

“ *Provided*, however, that until such election shall be made, the Governor shall have power to appoint said Inspectors.”

Which was lost by the following vote :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Lind,  
McKibben,  
Ralston,  
Roach,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—11.

The President voting in the negative.

Mr. Estill moved to re-commit the bill with special instructions, which was lost by the following vote :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Lind,  
McKibben,  
Ralston,  
Roach,  
Robinson,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—11.

The President voting in the negative.

Mr. Hubbs moved that the Senate take a recess until 8 o'clock, P. M., which was lost by the following vote :

## AYES.

Messrs. Estill,  
Hubbs,  
Keene,

Messrs. Miller,  
Walton—5.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Fry,  
Keyser,  
Lewis,  
Lind,  
Lott,  
McKibben,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—17.

The bill was then read a third time, and on the question—"Shall the bill pass?" the ayes and nays were demanded with the following result :

## AYES.

Messrs. Cooke,  
Estill,  
Keene,

Messrs. Keyser,  
Lewis,  
Miller—6.

## NAYS.

Messrs. Broderick,  
Denver,  
Fry,  
Hubbs,  
Lind,  
Lott,  
McKibben,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walton,  
Warner—16.

So the Senate refused to pass the bill.

Mr. Hubbs gave notice that he would on to-morrow move a re-consideration of the vote just taken.

Mr. Broderick moved to re-consider the vote now.

Mr. Lind moved to indefinitely postpone the motion to re-consider, which was carried by the following ayes and nays :

## AYES.

Messrs. Broderick,  
Hubbs,  
Lind,  
McKibben,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Tingley,  
Van Buren,  
Warner—12.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Walton—10.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed—

“Joint Resolution to provide for the Printing and distribution of the Revenue Law of 1852.”

Also, “an Act to provide that the County Treasurer of the County of Calaveras shall be Collector of Taxes for said County until it shall be decided by the proper tribunal who is Sheriff of said County.”

Also, Senate “Concurrent Resolution to appoint a Joint Committee of the two Houses to enquire into the amount of printing ordered by the Legislature.”

And “an Act to incorporate the Sacramento Water Company.”

The report was adopted.

A message was received, informing the Senate that the Assembly passed on yesterday “an Act for the protection of Game.”

That the Assembly concurred in the Senate amendment to a bill for the relief of E. J. C. Kewen.

That the Governor approved, on the 14th instant, “an Act explanatory of an Act repealing the Charter of the City of Nevada.”

That the Assembly also passed an Act to authorize the Board of Examiners to settle the accounts of Major William Rogers, in the first and second El Dorado expeditions against the Indians.

And a bill to be entitled “an Act for the relief of W. E. P. Hartnell, State Translator.”

Assembly bill for “an Act for the protection of Game,” was read a first and second time and referred to the Judiciary Committee.

Assembly bill for “an Act to authorize the Board of Examiners to settle the accounts of Major William Rogers, in the first and second El Dorado



expeditions against the Indians," was read a first and second time and referred to the Committee on Indian Affairs.

Assembly bill for "an Act for the relief of W. E. P. Hartnell, State Translator," was read a first and second time and referred to the Committee on State Translating.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to re-incorporate the City of Stockton."

The report was adopted.

Mr. Soule submitted a resolution in relation to the decision of the Supreme Court declaring inoperative the "Act concerning the salaries of officers and pay of members of the Legislature," passed May 1st, 1851, which was read, and on motion of Mr. Soule, laid upon the table.

Mr. Lewis gave notice that he would, to-morrow, move to rescind the resolution prescribing the mode of determining the term of Senators.

Mr. Warner gave notice that he would, on to-morrow, introduce a Joint Resolution to amend the twelfth Article of the Constitution of this State.

On motion of Mr. Van Buren, the bill for "an Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers," was made the special order for 11 o'clock to-morrow.

On motion of Mr. Keene, the Senate took a recess until 8 o'clock, P. M.

## EVENING SESSION.

Senate re-assembled at 8 P. M.

President in the chair.

The Senate proceeded to the consideration of the special order of the evening, being Assembly bill to be entitled "an Act authorizing the Treasurer of State to issue Bonds, for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, and Monterey Expeditions against the Indians."

The report of the Committee, to whom had been referred this matter, was then read.

Mr. Broderick moved to lay the bill upon the table, and have the usual number of copies printed, which was agreed to by ayes and nays as follows:

### AYES.

Messrs. Broderick,  
Cooke,  
Lewis,  
McKibben,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Van Buren.  
Warner—11.

### NAYS.

Messrs. Denver.  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lott,  
Miller,  
Tingley,  
Walton—10.

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported that the Committee had this day presented to the Executive, for his signature :

“An Act to provide for the payment of the salary of W. T. Barbour, Judge of of the Tenth Judicial District.”

“An Act for the relief of A. G. Kimball.”

“Joint Resolution in relation to the distribution of the Laws of 1851,”

And “an Act prescribing the mode of maintaining and defending possessory actions to public lands in this State.”

The report was adopted.

Mr. Hubbs, moved to take from the table Senate bill for “an Act concerning Licenses,” which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Lott,

Messrs. McKibben,  
Ralston,  
Roach,  
Snyder,  
Tingley—10.

## NAYS.

Messrs. Broderick,  
Cooke,  
Keyser,

Messrs. Robinson,  
Soule—5.

The Senate having considered the bill for some time, as in Committee of the Whole, rose, when, on motion of Mr. Broderick, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, April 22, 1852.

The Senate met pursuant to adjournment.

President in the chair.

By order of the President the roll was called and the following Senators were absent :

Messrs. Cooke, Denver, Keyser, Lewis, Lind, Lott, McKibben, Robinson, Soule, and Warner.

No quorum present.

Mr. Hubbs moved to adjourn.

The motion was lost.

Mr. Keene moved a call of the Senate, which was sustained, and on the roll being called the following Senators were absent :

Messrs. Cooke, Keyser, Lewis, McKibben, Robinson, Soule and Walton.

On motion of Mr. Keene, the call was temporarily suspended.

The Journal of Wednesday was then read and approved.

Mr. Warner, from the Joint Committee on State Translating, reported that they had awarded the translating to W. E. P. Hartnell, at \$1.50 per folio.

The report was adopted.

Mr. Keene moved that further proceedings, under the call of the Senate, be dispensed with, which was agreed to.

Mr. Cooke, from the Judiciary Committee, reported back Assembly bill for "an Act for the relief of Craycroft and Company, Delmas, Garneset and Company, and others," for the consideration of the Senate.

The report was accepted and laid upon the table.

Messrs. Synder and Tingley, a portion of the Select Committee, to whom was referred Senate Joint Resolution authorizing the Governor to employ counsel to appear before the Board of United States Land Commissioners, to protect the interest of the State, to the swamp lands, made a report which was read, and five hundred copies ordered printed. (See appendix, 41.)

Mr. McKibben, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the levying, assessing and collecting the Public Revenue."

The report was adopted.

Mr. Cooke, from the Judiciary Committee, reported back Assembly bill for "an Act for the protection of Game," and recommended its passage.

The report was adopted, the bill read a third time, and on the question "Shall the bill pass?" it was decided in the affirmative by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,  
Tingley,  
Warner—13.

#### NAYS.

Mr. Ralston,

Mr. Van Buren—2.

Mr. Tingley gave notice that he would, on to-morrow, introduce a bill to provide by proper police regulations, the landing of foreigners in California, whose objects are detrimental to the best interests of our citizens, as well as to the prosperity of the State.

Mr. Warner, in accordance with notice given yesterday, introduced a "Joint resolution proposing to amend the twelfth Article of the Constitution," which was read a first and second time, and, on motion of Mr. Cooke, referred to the Committee on County Boundaries.

Mr. Hubbs moved to take up the bill for "an Act concerning Licenses," the unfinished business of yesterday, which was carried.

Mr. Cooke moved to lay the bill upon the table, which was not agreed to.

The Senate, then took the bill under consideration and after some discussion, Mr. Broderick moved its reference to a Select Committee of five, with instructions to report to-morrow, at 11 o'clock, which was agreed to, and the chair appointed Messrs. Broderick, Robinson, Roach, Soule and Ralston.

Mr. Ralston moved to reconsider the vote taken yesterday, on the passage of the bill for "an Act concerning the salaries of Officers, and pay of members of the Legislature," which motion was lost by the following vote :

#### AYES.

Messrs. Broderick,  
Lott,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Soule,  
Warner—8.

#### NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lind,  
McKibben,  
Snyder,  
Tingley,  
Van Buren—12.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Joint Resolution approving the Compromise Measures of the last Congress."

"An Act for the relief of Lorenzo Hubbard."

"An Act for the relief of Cronin and Markley."

"An Act providing a fund for the use of the State Library."

"An Act giving consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes."

"And also, "an Act amendatory of an Act entitled an Act to incorporate the City of Sacramento."

"An Act concerning the salaries of officers and pay of members of the Legislature."

The report was adopted.

On motion of Mr. Broderick, the bill for "an Act to repeal an Act entitled an Act to provide for the disposition of certain property of the State of California," was taken from the table.

Mr. Tingley submitted the following amendment :

"*Provided*, nothing in this Act shall be construed to exonerate the State



from any liability to any citizens, whose possession, property, or improvements were taken from them by virtue of the judgment, order, or decree of any Court founded on this Act, and adjudged to the State or any other person."

The amendment was lost.

The bill was then read a third time, and on the question "Shall the bill be now passed?" the ayes and nays were demanded with the following result:

#### AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lind,  
Ralston,  
Robinson,  
Van Buren,  
Walton—13.

#### NAYS.

Messrs. Lewis,  
McKibben,  
Miller,  
Roach,

Messrs. Snyder,  
Soule,  
Tingley,  
Warner—8.

So the bill passed.

A message was received informing the Senate that the Assembly passed yesterday, "Senate Joint Resolutions of instruction to our Representatives in Congress, in relation to the claim of Elias Waldron."

And a bill for "an Act concerning the salary of the District Attorney of the County of San Francisco."

Assembly bill for "an Act concerning the salary of the District Attorney of the County of San Francisco," was read a first and second time, the rules suspended, it was then read a third time, and on the question "Shall the bill now be passed?" it was decided in the affirmative by the following vote:

#### AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Ralston,  
Roach,  
Soule,  
Tingley,  
Van Buren,  
Walton—14.

## NAYS.

Messrs. Lewis,  
Lind,  
Lott,

Messrs. Robinson,  
Snyder,  
Warner—6.

On motion of Mr. Cooke, "an Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers," was taken up and made the special order at 8 o'clock this evening.

On motion of Mr. Cooke, the bill for "an Act to divide the County of Colusi," was taken up, read a second time, and laid over under the rule.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, the bill for "an Act concerning Common Schools."

The report was adopted.

Mr. Lind moved to adjourn, which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Lind,  
Lott,  
Ralston,

Messrs. Snyder,  
Soule,  
Tingley,  
Van Buren,  
Walton—10.

## NAYS.

Messrs. Cooke,  
Estill,  
Fry,

Messrs. Hubbs,  
Keene—5.

So the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, April 23, 1852.

The Senate met pursuant to adjournment.

President in the chair.

The roll was called by order of the President, and the following Senators were absent :

Messrs. Cooke, Estill, Keyser, Lewis, McKibben, Roach, Soule and Walton.

Mr. Hubbs moved to adjourn. Lost.

Mr. Walton, from the Committee on Indian Affairs, reported back Assembly bill for "an Act to authorize the Board of Examiners to settle the accounts of Major William Rogers, in the first and second El Dorado expeditions against the Indians," for the consideration of the Senate.

The report was accepted and the bill laid upon the table.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to repeal an Act entitled 'an Act to provide for the disposition of certain property of the State of California,' passed March 26th, 1851."

Mr. McKibben asked and obtained the unanimous consent of the Senate, to record his vote on the passage of a bill yesterday, for "an Act to repeal an Act entitled 'an Act to provide for the disposition of certain property of the State of California.'"

He gave his vote in the negative, and it was ordered to be so recorded.

On motion of Mr. Robinson, the Senate, as in Committee of the Whole, took under consideration a bill for "an Act revising and amending the Act concerning the Courts of Justice in this State, and Judicial Officers," and having made some progress thereon, rose, and on motion of Mr. Tingley, the bill was laid upon the table.

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

"An Act amendatory of the twentieth section of an Act dividing the State into Counties and establishing the Seats of Justice therein ;"

"An Act for the relief of E. J. C. Kewen ;"

"An Act to alter the times of holding the general election ;"

"An Act concerning the salary of the District Attorney of San Francisco County ;"

"An Act fixing the times at which Representatives to Congress shall be elected ;"

"An Act amendatory of an Act to provide for the translating of the Laws into the Spanish language ;"

"An Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to the Oregon line, and to regulate the tolls to be collected on the same ;"

"An Act amendatory of an Act concerning Coroners ;"

"An Act for the relief of Cook and Lecount ;"

"An Act concerning the offices of Comptroller and Treasurer of State ;"

"An Act authorizing the Secretary of State to receive proposals for the State translating ;"

"An Act to amend the fourth section of an Act dividing the State into Counties and establishing the Seats of Justice therein ;"

"An Act for the relief of William E. P. Hartnell ;"

"An Act for the relief of Taaffe and McCahill ;"

"An Act defining the boundaries of the County of Shasta, and to amend the twenty-second section of an Act entitled 'an Act dividing the State into Counties and establishing the seats of Justice therein.'"

The report was adopted.

The following special message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento City, April 23d, 1852. }

*To the Senate and Assembly of the State of California :*

I cannot permit the official relations which have united us, to be finally dissolved, without inviting your attention to a subject deeply interesting, as it appears to me, to the welfare of our State. The various and important public interests which have been confided to us, must be protected; and the spirit of enterprize and industry which distinguishes our people, must be encouraged. In this State, questions of public concern must often arise, which are peculiar in their nature, and which call for prompt investigation and rapid and decisive action. The State is young in growth, hardly past the period of infancy, but promises to become speedily, one of the most populous and powerful sovereignties of the American Union.

The subject which I deem it my duty to present for your consideration before our final separation, is the present wholesale importation to this country, of immigrants from the Asiatic quarter of the globe. I am deeply impressed with the conviction that, in order to enhance the prosperity and to preserve the tranquility of the State, measures must be adopted to check this tide of Asiatic immigration, and prevent the exportation by them of the precious metals which they dig up from our soil without charge, and without assuming any of the obligations imposed upon citizens. I allude, particularly, to a class of Asiatics known as "Coolies," who are sent here, as I am assured, and as is generally believed, under contract to work in our mines for a term; and who, at the expiration of the term, return to their native country. I am sensible that a proposition to restrict international intercourse, or to check the immigration of even Asiatics, would appear to conflict with the long cherished benevolent policy of our Government. That Government has opened its paternal arms to the "oppressed of all nations," and it has offered them an asylum and a shelter from the iron rigor of despotism. The exile pilgrim and the weary immigrant, have been recipients of its noble hospitalities. In this generous policy, so far as it effects Europeans, or others capable of becoming citizens under our laws, I desire to see no change; nor do I desire to see any diminution of that spirit of liberality which pervades the naturalization laws of the United States.

A question around which there has been thrown some doubt, is whether Asiatics could, with safety, be admitted to the enjoyments of all the rights of citizens in our Courts of Justice. If they are ignorant of the solemn character of the oath or affirmation, in the form prescribed by the Constitution and Statutes, or if they are indifferent to the solemn obligation which an oath imposes to speak the truth, it would be unwise to receive them as jurors or permit them to testify in courts of law, more especially in cases affecting the rights of others than Asiatics.

Congress, possessing the exclusive power to establish a uniform rule of naturalization, has enacted that "every alien, being a free white person, may become a citizen of the United State," by complying with certain conditions. Of the construction of this law, Chancellor Kent remarks, that "the Act of Congress confines the description of Aliens capable of naturalization to free white persons." "I presume," continues the learned writer, that "this excludes the inhabitants of Africa and their descendants; and it



may become a question, to what extent persons of mixed blood are excluded, and what shades and degrees of mixture of color disqualify an alien from application for the benefits of the Act of naturalization. Perhaps there might be difficulties, also, as to the copper-colored natives of America, or the yellow or tawny races of the Asiatics; and it may be well doubted whether any of them are white persons in the purview of the law. It is the declared law of New York, South Carolina, Tennessee, (and other States,) that Indians are not citizens, but distinct tribes, living under the protection of the Government, and consequently they never can be citizens under the Act of Congress."

It is certain that no Asiatic has yet applied for, or has received the benefits of this Act. Indeed, I am not aware that a single subject of the Chinese Empire ever acquired a residence or a domicile in any of the States of the Union, except, perhaps, in this. In this State their habits have been migratory; and so far as I can learn, very few of them have evinced a disposition to acquire a domicile, or, as citizens, to identify themselves with the country. Gold, with a talismanic power, has overcome these national habits of reserve and non-intercourse which the Chinese and their neighbors have hitherto exhibited; and under the impulse which the discovery of the precious metals in California has given to their cupidity, vast numbers of them are immigrating hither, not, however, to avail themselves of the blessings of a free Government. They do not seek our land as "the asylum for the oppressed of all nations." They have no desire (even if permitted by the constitution and laws) to absolve themselves from allegiance to other powers, and, under the laws of the United States, become American citizens. They come to acquire a certain amount of the precious metals, and then return to their native country.

I invite your attention, for a moment, to results which may ensue, if by inaction we give further encouragement to the mania for emigration which pervades several of the Asiatic States, and which it may be presumed, is being rapidly diffused throughout all continental Asia. The area of Asia is 17,865,000 English square miles, and the total population is computed by the best authorities at three hundred and seventy-five millions two hundred and thirty thousand. The population of the Chinese Empire and dependant States alone is 168,000,000. It will be readily perceived that millions might be detached from such myriads, without any perceptible diminution of the aggregate population; and that vast numbers may be induced, under contracts, to emigrate to a country which they are told contains inexhaustible mines of gold and silver. The facilities afforded them for emigration are rapidly increasing, and few vessels now enter our ports from Asiatic countries which are not crowded with these peculiar people. I have received intelligence, from reliable sources, that the average rate charged an Asiatic from China to California, is forty dollars; that over two thousand of their number have arrived at San Francisco, within the last few weeks, and that at least five thousand are now on their way hither. Letters from Canton to the end of January, estimate the immigration from that port to California, for 1852, at over twenty thousand, nearly all of whom will be hired by Chinese masters, to come here and collect gold under the direction and control of the master himself, who accompanies them, or of an agent. They usually come in bands of thirty or more; a vessel, however, recently arrived with one hundred on board, the whole being under the control of

one man. A practice has long existed in China of hiring Coolies under contracts made there to work for a term of years in other countries. These Coolies are given a free passage out and home, with wages at the rate of \$3 to \$4 per month. Most of them are married, and, while absent, \$1.50 to \$2 per month is paid to their families for subsistence, and the amount deducted from their wages. The usual pay of Coolies, employed as farmers in China, is \$1 per month, and food enough to sustain life; but they are required to purchase their own clothing.

I have received, this morning, a letter from a highly intelligent merchant of San Francisco, enclosing a commercial circular, issued by King & Co., dated "Canton, (China) January 27, 1852," from which the following extract is made:

"The most remarkable feature in connection with shipping which we have to note, is the employment of tonnage caused by the Chinese immigration to California. This has been increasing for some months past, and the following vessels are *now under engagements to take Chinese passengers* at from \$35 to \$50 per head, viz: American Packet, 300 tons; Blenheim, 689; Constant, 583; Emperor, 497; Glenlyon, 384; Henbury, 476; Land 'o Cakes, 561; North Carolina, 570; Brahmin, 694; Eden, 513; Grace McVed, 841; Osceola, 759; Rajasthan, 690; Robert Small, 610; Convoy, 238; Sophia, 240; Trenalgo, 314; George Washington, 460. After the New Year Holidays, it is expected that a number of other vessels will find similar employment."

The letter enclosing the circular, from which the above extract is taken, is dated "San Francisco, April 22, 1852." The writer says: "The Challenge, from Hong Kong, is in this morning, with a full list of Chinese—from seven to eight hundred. She reports an extended emigration to this State, with a prospect of a still greater increase—many large ships being on the way crowded with Celestials."

I have mentioned in the preceding portion of this communication, that numbers of Asiatics have been and are being sent here, under contracts to labor for a term of years in our mines at merely nominal wages, and their families have been retained as hostages for the faithful performances of the contracts. If this intelligence is correct, it may well be doubted whether such contracts should be recognized or enforced within the limits of the State. Mr. Justice Story, in his Commentaries upon "Conflict of Laws," and "Foreign Contracts," contends with great force and clearness, that "there is an exception to the rule as to the universal validity of contracts, which is, that *no nation is bound to recognize or enforce any contracts which are injurious to its own interest, or to those of its own subjects.*" Mr. Justice Martin, has expressed it in the following terms: "The exception applies to cases in which the contract is immoral or unjust, or in which the enforcing it in a State, WOULD BE INJURIOUS TO THE RIGHTS, THE INTEREST OR THE CONVENIENCE OF SUCH STATE OR ITS CITIZENS."

"This exception results from the consideration that the authority of the acts and contracts done in other States, as well as the laws by which they are regulated, are not of any efficacy beyond the limits of that State; and whatever is attributed to them elsewhere, is from *comity*, and not of *strict right*: and every independent community will and ought to judge for itself, how far that *comity* ought to extend. The reasonable limitation is, that it shall not suffer prejudice by its comity."

On a recent occasion, it was affirmed by the Supreme Court of Louisiana, that the rule in regard to the universal validity of contracts "is subject only to the exception that the contract to which aid is required, should *not either in itself, or in the means used to give it effect, work an injury to the inhabitants of the country where it is attempted to be enforced.*"

The cases which form an exception to the rule as to the universal validity of contracts, have been classified by eminent legal authorities. Among those enumerated are contracts to corrupt or evade the due administration of justice ; contracts to cheat public agents, or to defeat the public rights ; contracts which are opposed to the national policy and institutions ; and, in short, all contracts which, in their own nature are founded in moral turpitude, and *are inconsistent with the good order and solid interests of society.* All such contracts, even though they might be held valid in the country where they are made, would be held void elsewhere, or at least ought to be, if the dictates of Christian morality, or even of natural justice, are allowed to have their due force and influence in the administration of international jurisprudence. There cannot be a reasonable doubt that contracts made in China, with the subjects of that Empire, by their own countrymen, or by resident foreigners, for the performance of work and labor within the State of California, come within the class of contracts here enumerated, as exceptions to the rule in respect to the universal validity of contracts. This question will form an appropriate subject for the consideration of Courts of Law ; but I cannot forbear to express the opinion that such contracts ought not to be recognized or enforced within the limits of this State, either upon the score of international comity or law.

If it be admitted that the introduction of one hundred thousand, or a less number of "Coolies" into this State, under such contracts with non-residents, may endanger the public tranquility and injuriously affect the interests of our people, then we are bound to adopt measures to avert such evils. I therefore respectfully submit for your consideration two distinct propositions :

1st. Such an exercise of the taxing power by the State as will check the present system of indiscriminate and unlimited Asiatic immigration.

2d. A demand by the State of California for the prompt interposition of Congress, by the passage of an Act prohibiting "Coolies" shipped to California under contracts, from laboring in the mines of this State. With the consent of the State, Congress would have the clear right to interpose such safeguards as in their wisdom might be deemed necessary. The power to tax as well as to entirely exclude this class of Asiatic immigrants, it is believed, can be constitutionally exercised by the State. As the subject is one of great magnitude, I have deemed it my duty to examine the opinions of eminent writers on international law, as well as the written opinions of the Judges of the Supreme Court of the United States.

It might be urged, as an objection to the imposition of a tax, that such a statute would be a regulation of commerce, and that the power to regulate commerce is exclusively reposed in Congress. I am aware that a majority of the Judges composing the Supreme Court of the United States, have decided that statutes passed by the Legislatures of New York and Massachusetts, imposing a tax on passengers of a ship from a foreign port, were regulations of foreign commerce ; and that the power to regulate commerce being exclusively reposed in Congress, the statutes were void. But the



whole Court were understood to concede the right of the State to tax immigrants after they were on shore. The power of States to exclude immigrants is also shown by the best writers on international law, as well as by the decisions of the Supreme Court of the United States. Mr. Justice Woodbury remarked, in his opinion given in the case of *Norris vs. the City of Boston*, that "it having been, both in Europe and America, a matter of municipal regulation whether aliens shall or shall not reside in any particular State, or even cross its borders, it follows that if a sovereign State pleases, it may, as a matter of clear right, exclude them entirely;" and, "as further proof and illustration that this power exists in the States, and has never been parted with, it was clearly exercised by Virginia, as to others than paupers; and it is now exercised, in one form or another, as to various persons, by more than half the States of the Union."

In the case above referred to, involving the question whether the statute of New York, imposing taxes upon alien passengers arriving in the ports of that State, was contrary to the Constitution of the United States, five of the Judges of the Supreme Court delivered opinions in the affirmative and four in the negative. In delivering his dissenting opinion, Chief Justice Taney remarked, that "the first enquiry suggested by these cases, was whether, under the Constitution of the United States, the Federal Government has the power to compel the several States to receive, and suffer to remain in association with its citizens, every person or class of persons whom it may be the policy or pleasure of the United States to admit;" and he proceeded to say that he thought it "very clear, both upon principle and the authority of adjudged cases, that the several States have a right to prevent from entering the State, any person, or class or description of persons, whom it may deem dangerous or injurious to the interests or welfare of its citizens, and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government."

But, without further reference to the able opinion delivered in this case by Mr. Justice Taney, I will remark that the principle involved in the recommendation which I have made, does not appear to me to be entirely analogous to that contained in the statutes of New York and Massachusetts, and declared to be unconstitutional by the Supreme Court of the United States. In those cases it was proposed to impose a tax upon "free white persons," who could acquire the rights of American citizens. But, in the present instance, it is proposed to tax persons who, it is believed, cannot assume the obligations imposed upon, nor acquire the civil or political privileges of citizens of the United States. In those cases, the public health merely was endangered; but it is believed that in this instance the most vital interests of the State and people—and, perhaps, the public peace are at stake. Whether the objection raised by the Supreme Court to the statute of New York, that it was a regulation of commerce, and that, therefore, it was void, would apply to a statute of this State, imposing a similar tax upon Asiatics, I must leave it to you and to other tribunals, to determine.

There is no official information in this department, touching the nature of the contracts said to have been made with Asiatics, by their own countrymen, or by foreign residents in the Chinese Empire, to work in our mines. It is not officially known to this department whether those persons



are here in a state of voluntary or involuntary servitude. But if it be ascertained that their immigration and servitude is voluntary, I am still of the opinion that the Legislature may enact laws to prevent or discourage shipments of vast bodies of "Coolies" into this State. I am convinced not only that such a measure is necessary, but I am also convinced that there is nothing in the Federal Constitution which forbids the enactment of such laws.

It is a remarkable fact that the treaty concluded at Wang Hiya, on the 3d of July, 1845, between the United States and China, contains no provisions in relation to the civil or political privileges which the subjects of the Chinese Empire, immigrating to the United States, shall enjoy. It is true that this treaty guarantees important commercial privileges to our citizens; but in the exercise of these privileges no encroachments are made upon the rights or the property of the subjects of China. The measures which I have now recommended you to enact, would not, of course, justify any retaliation by Chinese upon Americans residing in that country. Indeed, in view of the fact that in all the Governments of Europe and Asia, foreigners are excluded from mines, and in view of the further fact that in those countries the precious metals are commonly retained by the Government, to the exclusion even of their own citizens, it is not easy to believe that the Chinese will urge objections to the measures which I have here presented, if adopted.

It must be conceded that the extraordinary wants of this State will demand novel if not extraordinary legislation. The history and condition of California is peculiar—it is without parallel. Her resources, like her exigencies, are without precedent. In framing laws, therefore, to meet such exigencies, it is clear that we cannot be guided entirely by precedents which have been established in the common course of events in other States. But, though our condition may sometimes require departures from precedents in the enactment as well as in the execution of laws, we should not fail to follow the Constitution, both as our chart and as the palladium of our liberties.

Having thus performed one of the most important duties which will perhaps devolve upon me during my term of office, I commit this subject to your care, and entreat for it your careful consideration.

JOHN BIGLER.

The message was read, and, on motion of Mr. Van Buren, referred to a Select Committee of five, and five hundred copies ordered printed.

The President announced as the Committee, Messrs. Van Buren, Ralston, Soule, Estill, and Fry.

Mr. Van Buren declined serving.

The chair then appointed as the Committee, Messrs. Ralston, Soule, Estill, Fry and Warner.

A message was received informing the Senate that the Assembly passed on 21st inst., Senate bill for "an Act to provide for the Public Printing," with amendments.

And Senate Concurrent resolution to appoint a Joint Committee to enquire into the amount of printing ordered by the Legislature, with an amendment.

And had appointed Messrs. Brush, Crittenden, Wohler, Cooke and Hinchman, on the part of the Assembly.

And concurred in Senate amendment to Assembly bill to provide for the ordering of a special election in the County of Trinity.

On motion of Mr. Denver the Senate refused to concur in the Assembly amendment to Senate amendment to the bill for "an Act to provide for the ordering of a special election in the County of Trinity," and a Committee of Conference was appointed on the disagreeing vote of the two Houses.

The chair appointed Messrs. Denver, Lott, and McKibben, on the part of the Senate.

On motion of Mr. Denver the Senate concurred in Assembly amendment to Senate Concurrent Resolution to appoint a Joint Committee of the two Houses to enquire into the amount of printing ordered by this Legislature."

The bill for "an Act to provide for the Public Printing," as amended by the Assembly, was then taken up and the first and second amendment concurred in.

And on the question of concurring in the amendment to the second section to strike out the words, "Two years from the date thereof," and insert "Nine months from the first day of May, 1851," it was decided in the affirmative by the following vote:

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Tingley,  
Walton,  
Warner—14.

## NAYS.

Messrs. Hubbs,  
Lewis,  
Miller,

Messrs. Snyder,  
Van Buren—5.

The other amendments were then severally concurred in.

Mr. Miller presented the claim of J. G. Anderson, for \$71.00, which was read and referred to Messrs. Robinson and Ralston.

Mr. Van Buren, on leave, introduced a bill for "an Act to amend title fourteen of the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April 29, 1851, which was read a first and second time and laid upon the table.

Mr. Broderick, from the Select Committee, reported back the bill for "an Act concerning fees of office," and recommended its passage.

The bill was then read a third time, and on the question "shall the bill now be passed?" it was decided in the negative by the following vote:

## AYES.

Messrs. Broderick,  
Ralston,  
Robinson,  
Snyder,

Messrs. Soule,  
Van Buren,  
Warner—7.

NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Roach,  
Tingley,  
Walton—11.

Mr. Broderick, on leave, introduced a bill for "an Act requiring officers to pay over surplus fees into the County Treasury," which was read a first and second time and laid upon the table.

Mr. Robinson, from the majority of the Committee on State Hospitals, reported back Assembly bill for "an Act to authorize the Trustees of the Stockton State Hospital, to erect a building for the insane of the State, and to provide for their support," with amendments, and recommended their adoption.

Mr. Van Buren, submitted a minority report, recommending the passage of the bill without the amendments.

The reports were accepted and laid upon the table.

A message was received informing the Senate that the Assembly this day passed Senate bill for an Act to provide that the Treasurer of the County of Calaveras, shall be Collector of Taxes for said County until it shall be decided by the proper tribunal who is Sheriff of said County.

On motion of Mr. Fry, Senate substitute for Assembly bill for "an Act to authorize and require Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans," was taken from the table, and pending the consideration of the same, on motion of Mr. Lott, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

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## IN SENATE.

SATURDAY, April 24, 1852.

The Senate met pursuant to adjournment.  
President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Keene moved a call of the Senate, which was sustained, and on the roll being called, the following Senators were absent—Messrs. Denver, Keyser, Lind, McKibben, Roach and Soule.

On motion of Mr. Walton, Messrs. Lind and McKibben were excused from the action of the call.

Mr. Van Buren moved to dispense with further proceedings under the call, which was lost by the following vote :

AYES.

Mr. Miller,

Mr. Warner—2.

NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Tingley,  
Van Buren,  
Walton—15.

On motion of Mr. Van Buren, the call was temporarily suspended.  
Mr. Van Buren submitted the following resolution :

*Resolved*, (the Assembly concurring) that the two houses will adjourn *sine die*, on Friday, the 30th day of April instant."

Mr. Fry moved to amend the resolution, by striking out "Friday, 30th day of April," and insert "Monday, 3d day of May," which was agreed to by the following vote :

AYES.

Messrs. Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Walton—10.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Hubbs,  
Roach,

Messrs. Snyder,  
Tingley,  
Van Buren,  
Warner—9.

The resolution was then passed.

Mr. Hubbs submitted a resolution fining the absentees \$20, in a call of the Senate, which was read, and

On motion of Mr. Tingley, laid on the table.

Mr. Robinson reported back the claim of J. G. Anderson, for the consideration of the Senate.



The report was accepted and laid upon the table.

Mr. Lott, from the Committee on Claims, reported back the claim of J. Winchester, with a bill for "an Act for the relief of J. Winchester," and recommended its passage.

The report was adopted, the bill read a first and second time—the rules suspended, it was then read a third time; and on the question—"Shall the bill be passed?" the ayes and nays were demanded and resulted as follows:

AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Fry,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Snyder—10.

NAYS.

Messrs. Hubbs,  
Ralston,  
Roach,

Messrs. Robinson,  
Warner—5.

So the bill was passed.

Mr. Lott, from the Committee on Claims, reported back Assembly bill for "an Act for the relief of James S. Raines," and recommended its passage. The report was adopted, the bill read a third time and passed.

Mr. Cooke asked leave of absence for the remainder of the session, which was granted.

Mr. Warner, from the Committee on Translation, reported back Assembly bill for "an Act for the relief of W. E. P. Hartnell, State Translator," and recommended its passage.

The report was adopted, the bill read a third time and passed.

Mr. Robinson, from the Committee on State Hospitals, reported back the bill for "an Act concerning passengers arriving in the Ports of the State of California," with amendments, which were concurred in—and the bill, as amended, read a third time and passed.

A message was received, informing the Senate that the Assembly passed yesterday Senate bill, "an Act amendatory of an Act entitled an Act to amend an Act to Incorporate the City of Sacramento."

Senate bill for "an Act to amend an Act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco," passed February, 1850."

Also, "Joint Resolutions in respect to Mineral Lands."

And concurred in Senate amendments to Assembly bill for "an Act supplementary to an Act to incorporate the City of Los Angeles."

And appointed Messrs. McMullin, Lyons and Fowler as a Committee upon the disagreeing vote between the two Houses, in reference to a bill ordering a special election in the County of Trinity."

And "an Act for the payment of freight to the steamer Empire."

And that the Governor did, on the 22d instant, approve the following bills:

An Act entitled "an Act to appoint Commissioners for the purpose of

determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County at the time of the organization of Nevada County, and to determine, also, the amount of indebtedness of Sutter County, justly chargeable to Placer County at the time of the organization of Placer County."

"An Act entitled an Act for the relief of L. Maynard."

"An Act creating Tulare County, and to provide for its organization."

"An Act to provide for funding the debt of San Joaquin County, for the payment of interest thereon, and for the gradual liquidation of the debt."

"An Act concerning the salary of the District Attorney of San Francisco County."

"An Act to provide for levying, assessing and collecting the Public Revenue."

Also, "An Act to re-incorporate the City of Stockton."

Assembly "Joint Resolution in respect to Mineral Lands," was then read a first and second time, and, on motion of Mr. Van Buren, referred to the Committee on Mines and Mining Interests.

Mr. Lewis, from the Committee on Roads and Highways, reported back Assembly bill for "an Act to appoint Commissioners to lay out a State Road," and recommended its passage.

The report was accepted and laid on the table.

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act for the payment of freight to the steamer Empire."

The report was adopted.

On motion of Mr. Hubbs, Assembly bill for "an Act to provide for the appointment of a Guager for the Port of San Francisco," was taken from the table.

Mr. Tingley submitted the following as an amendment to section first:

There shall be elected by the qualified electors of the City and County of San Francisco, on the fourth Monday of May, 1852, one Guager of Liquors, who shall hold his office one year and until his successor is chosen and qualified.

The amendment was lost by the following vote:

#### AYES.

Messrs. Ralston,  
Soule,  
Tingley,

Messrs. Van Buren,  
Warner—5.

#### NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Robinson,  
Walton—12.

Mr. Robinson submitted the following as an amendment to section first:

*Provided* That this section shall not apply to foreign importations having the original Custom House marks thereon in original packages.

Which was lost by the following vote :

AYES.

Messrs. Ralston,  
Robinson,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—5.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Keyser,  
Lewis,  
Lott,  
Miller—10.

Mr. Tingley submitted the following as an amendment to section third :

*Provided*, That the person appointed Guager shall not deal or be concerned with any person dealing in foreign or domestic liquors.

The Senate refused to adopt the amendment by the following vote :

AYES.

Messrs. Fry,  
Ralston,  
Robinson,  
Soule,

Messrs. Tingley,  
Van Buren,  
Walton,  
Warner—8.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller—9.

Mr. Tingley submitted the following amendment :

Section 5. If any Guager shall fail or refuse to inspect any lot of liquor when demanded so to do, or knowingly, fraudulently or wilfully omit such inspection, or take any greater rate of pay than is fixed by this Act, he shall be deemed guilty of a misdemeanor, and on conviction before any court of competent jurisdiction, shall be fined in any sum not less than \$100 nor more than \$1000, and such conviction shall operate as a forfeiture of his office ; in which event, the Governor shall appoint a successor, as prescribed in the first section of this Act, who shall give like bond and surety as the first appointee.

The Senate refused to adopt the amendment by the following vote :

## AYES.

Messrs. Ralston,  
Robinson,  
Soule,

Messrs. Tingley,  
Van Buren,  
Warner—6.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Keyser,  
Lewis,  
Lott,  
Miller,  
Walton—12.

Mr. Warner submitted the following as an amendment to the fourth section :

“ Any wine or liquor which shall be sold or offered for sale in casks or packages which, by means of any fraudulent marks or brands, shall be overmarked as to quantity, when that overmark shall exceed two per cent. on the quantity, shall be liable to confiscation, upon complaint before any authority having jurisdiction ; one-half of said liquor or wine for the benefit of the Inspector, and the other half to the city of San Francisco.”

Which was lost.

The bill was then read a third time, and, on the question—“ Shall the bill be passed ?” the ayes and nays were demanded and resulted as follows :

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Miller,  
Walton,  
Warner—12.

## NAYS.

Messrs. Broderick,  
Ralston,  
Robinson,

Soule,  
Tingley,  
Van Buren—6.

So the bill was passed.

Mr. Lott moved to re-consider the vote just taken.

Mr. Keene moved to indefinitely postpone the motion to re-consider, which was agreed to.

On motion of Mr. Lewis, the Assembly bill for “ an Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley,” was taken from the table for a third reading.

Mr. Robinson moved a call of the Senate, which was sustained.



There being a quorum present, on motion of Mr. Robinson, further proceedings under the call were dispensed with.

Mr. Broderick moved that the bill be laid on the table, and the usual number printed, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Miller,  
Ralston,  
Robinson,

Messrs. Soule,  
Van Buren,  
Warner—7.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Tingley,  
Walton—9.

Mr. Broderick moved that the bill be made the special order for 8 o'clock, P. M., on Monday next, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Hubbs,  
Ralston,  
Robinson,

Messrs. Soule,  
Van Buren,  
Warner—7.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Lewis,  
Lott,  
Miller,  
Tingley,  
Walton—10.

The bill was then read a third time, and on the question—" Shall the bill be passed ?" the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. Lewis,  
Lott,  
Miller,  
Tingley,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Lind,  
Ralston,

Messrs. Soule,  
Van Buren,  
Warner—6.

So the bill was passed.

Mr. Estill moved to re-consider the vote just taken.

Mr. Keene moved to indefinitely postpone the motion to re-consider, which was agreed to.

Mr. Robinson submitted the following resolution, which was adopted unanimously.

*Resolved*, That the Enrolling Clerk of the Senate be required to attend to the duties imposed on him as an officer of the Senate.

A message was received, informing the Senate that the Assembly passed this day Senate bills—

“An Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State, for public purposes.”

“An Act for the relief of William Rogers, Sheriff of El Dorado County.”

Also, Senate Joint Resolution to provide for the printing and distribution of the Revenue Laws of 1852.

Mr. Broderick, from the Select Committee, reported back Assembly bill for “an Act regulating the duties of Harbor Master of the Port of San Francisco,” with amendments, which were concurred in and the bill read a third time, and on the question—“Shall the bill be passed?” the ayes and nays were demanded with the following result:

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Keyser,  
Lewis,  
Miller,

Messrs. Ralston,  
Robinson,  
Soule,  
Tingley,  
Van Buren,  
Walton—12.

## NAYS.

Messrs. Hubbs,  
Keene,

Mr. Lott—3.

So the bill was passed.

On motion of Mr. Walton, the Sergeant-at-Arms was authorized to employ an assistant.

On motion of Mr. Walton, Assembly bill for “an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the

Mariposa, second El Dorado, Utah, Los Angeles and Monterey expeditions against the Indians," was taken from the table.

On motion of Mr. Robinson, the Senate took a recess until 8 o'clock, P. M.

### EVENING SESSION.

Senate re-assembled at 8, P. M.

President in the chair.

A message was received from the Governor, stating that he had this day approved

An Act entitled "an Act for the payment of freight to the steamer Empire."

A message was received, informing the Senate that the Assembly this day passed Senate bill for "an Act to provide for the payment of a Translator."

The Senate then resumed the consideration of Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey expeditions against the Indians."

Mr. Broderick's motion, pending at the time of taking a recess, that the bill be laid upon the table and made the special order for the sixth day of January next, was then put and lost.

The Senate, as in Committee of the Whole, proceeded to the further consideration of the bill; and during the discussion,—Mr. Van Buren having the floor,—Mr. Estill rose to a point of order: that Mr. Van Buren was out of order, because he had spoken longer than ten minutes, which was in violation of a rule of the Senate, allowing a member to speak but ten minutes at any one time.

The chair decided that the rule was not intended to be enforced in Committee of the Whole.

Mr. Estill appealed from this decision; and on the question—"Shall the decision of the chair stand as the judgment of the Senate?" the ayes and nays were demanded, without any result, as no quorum voted.

Mr. Soule, from the Joint Committee on Enrollments, reported as correctly enrolled "an Act to provide that the Treasurer of the County of Calaveras shall be Collector of Taxes for said County until it shall be decided by the proper tribunal who is Sheriff of said county."

And "Joint Resolution authorizing the Secretary of State to receive proposals for the State Translating."

The report was adopted.

After further consideration of the bill, the Committee rose, when, on motion of Mr. Fry, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest,

A. C. BRADFORD, Secretary.

## IN SENATE.

MONDAY, April 26, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

There being no quorum present, Mr. Hubbs moved to adjourn, which was not agreed to.

Mr. Broderick moved that the Senate take a recess until 8 o'clock, P. M. The motion was lost.

Mr. Broderick moved to take a recess until 2 o'clock, P. M. Not agreed to.

Mr. Van Buren moved to take a recess until 12 o'clock, M., which was agreed to.

## AFTERNOON SESSION.

The President called the Senate to order at 12½ o'clock.

The Journal of Saturday was read and approved.

Mr. Keene, from the Committee on State Prisons, reported back the bill for "an Act providing for the erection of a State Prison," with amendments, and recommended its passage.

On motion of Mr. Soule, the bill was temporarily laid upon the table.

On motion of Mr. Soule, the votes on the passage and third reading of the bill for "an Act regulating the duties of Harbor Master of the Port of San Francisco," were re-considered, and the bill referred to the delegation from San Francisco.

The Senate then, as in Committee of the Whole, resumed the consideration of the bill for "an Act providing for the erection of a State Prison," and having amended the same, reported it back.

The amendments were concurred in.

The bill was then read a third time, and on the question—"Shall the bill now be passed?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Keene,

Messrs. Lewis,  
Lott,  
Miller,  
Robinson,  
Walton—10.

## NAYS.

Messrs. Hubbs,  
Lind,  
Ralston,

Messrs. Soule,  
Tingley,  
Warner—6.

Mr. Van Buren submitted a resolution prescribing the mode of determining the terms of Senators, which was read and laid on the table for the present.

Mr. Tingley, on leave, introduced a bill for "an Act appropriating money out of the General Fund to defray the expenses of the Govern-



ment of the State of California," which was read a first and second time—the rules suspended, it was considered, engrossed, read a third time and passed.

A message was received from the Governor, informing the Senate that he approved, on the 24th instant, the following Acts:

"An Act entitled an Act for the relief of Cooke and Lecount."

"An Act entitled 'an Act to amend an Act entitled an Act to provide for the Translation of the Laws into the Spanish language,'" passed March 15th, 1851.

"An Act entitled 'an Act amendatory of an Act concerning Coroners,'" passed April 19th, 1850.

"An Act entitled 'an Act to amend the fourth section of an Act dividing the State into Counties and establishing the Seats of Justice therein,'" passed April 25th, 1851.

"An Act entitled 'an Act for the relief of Taaffe and McCabill.'"

"An Act entitled 'an Act to authorize James L. Freaner to construct a wagon road from Sacramento Valley to the Oregon line, and to regulate the tolls to be collected on the same.'"

"An Act entitled 'an Act defining the boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein,'" passed April 25th, 1851.

And an Act entitled "an Act for the relief of William E. P. Hartnell."

A message was received, informing the Senate that the Assembly passed on the 24th instant—

"An Act to pay freight to the schooner Taccio."

"An Act for the relief of Jesse D. Carr."

"An Act creating the office of Clerk of the Recorder's Court of the City of Sacramento."

"An Act to amend the eighteenth section of the 'Act to apportion the Senatorial and Assembly Districts,'" passed May 1st, 1851.

And "an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County."

Assembly bill for "an Act to pay freight to the schooner Taccio," was read a first and second time, and on motion of Mr. Tingley, referred to the Committee on Claims.

Assembly bill for "an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County," was read a first and second time and referred to the Committee on Finance.

Assembly bill for "an Act to amend the eighteenth section of the Act to apportion the Senatorial and Assembly Districts," passed May 1st, 1851, was read a first and second time and referred to the Committee on County Boundaries.

Assembly bill for "an Act for the relief of Jesse D. Carr," was read a first and second time and referred to the Committee on Claims.

Assembly bill for an Act creating the office of Clerk of the Recorder's Court of the City of Sacramento, was read three several times and passed.

On motion of Mr. Van Buren, the votes on the passage and third reading of the bill were re-considered.

The bill was then amended, read a third time and passed.

Mr. Lind, from the Committee on County boundaries, reported back the

bill for "an Act to amend the eighteenth section of the Act to apportion the Senatorial and Assembly Districts," passed May 1st, 1851, and recommended its passage.

The report was accepted, the bill read a third time and passed.

Mr. Broderick, from the San Francisco delegation, reported back Assembly bill for "an Act regulating the duties of Harbor Master of the Port of San Francisco," with amendments, which were concurred in, and the bill read a third time and passed.

Mr. Ralston moved to take from the table the bill for "an Act authorizing James Gallagher and others to construct a bridge across the American river," which was lost.

A message was received, informing the Senate that the Assembly had passed, this day, Senate bills:

An Act respecting the Trustees of the City of San Diego."

"An Act providing for the erection of a Powder Magazine in San Francisco."

And "an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payments of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same."

Mr. Keene presented the petition of C. E. Pickett, praying the Legislature to refund to him the amount of money expended by him for the support and medical treatment of indigent sick taken charge of at the Sacramento Hospital.

The petition, with accompanying papers, was referred to the Committee on Claims.

Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey expeditions against the Indians," being the unfinished business of yesterday, was then taken under consideration, and pending the discussion upon the same, on motion, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

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## IN SENATE.

TUESDAY, April 27, 1852.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Monday was read and approved.

Mr. Broderick, from the Finance Committee, reported back Assembly bill

for "an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County," and recommended its passage.

The report was adopted and the bill read a third time and passed.

Mr. Walton, from the Select Committee, reported back the bill for an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same," with amendments which were concurred in, the bill read a third time and passed.

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, the following bills:

"An Act for the relief of James S. Raines."

"An Act to amend an Act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco."

"An Act to provide for the payment of the State Translator."

"An Act giving the consent of the Legislature of the State of California, to the purchase, by the United States, of lands within this State for public purposes."

"An Act for the relief of William Rogers, Sheriff of El Dorado County."

"Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852."

An Act amendatory of an Act, entitled "an Act to amend an Act to incorporate the City of Sacramento," and

"An Act to provide for the Public Printing."

The report was adopted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, the following bills:

"An Act concerning Passengers arriving in the Ports of the State of California."

"An Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California."

The report was adopted.

Mr. Ralston, from the Select Committee, reported back Assembly bill for "an Act to provide for appeals in certain cases," and recommended its passage.

The report was adopted, the bill read a third time, and on the question—"Shall the bill now be passed?" the ayes and nays were demanded with the following result:

#### AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Keyser,  
Lewis,  
Lott,  
Ralston,  
Soule,  
Tingley—12.

#### NAYS.

Messrs. Robinson,  
Van Buren.  
So the bill was passed.

Mr. Warner—3.

Mr. Warner presented the claim of Benjamin Chapman for services rendered the late Governor (Jno. McDougal,) the Secretary of State, and the Quarter-Master General, which was referred to the Committee on Claims.

Mr. Hubbs submitted a resolution, which was adopted, requiring the Select Committee to report back the bill for "an Act concerning Licenses," and discharging the Committee from the further consideration of the same.

The "Joint resolution on the subject of the overland Rail Way to the Pacific Ocean," being in order, as unfinished business, was taken from the table, read a second time; the rules suspended, it was read a third time and passed.

On motion of Mr. Warner, the bill for "an Act to grant the right of way to the United States for Rail Road purposes," was taken from the table, amended, read a third time and passed.

On motion of Mr. Broderick, Senate bill "an Act requiring officers to pay over surplus fees into the County Treasury," was taken from the table. Mr. Lewis moved to postpone indefinitely, the bill, which was agreed to by the following vote:

## AYES.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Soule,  
Tingley,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Fry,  
Hubbs,  
Ralston,

Messrs. Roach,  
Robinson,  
Van Buren,  
Warner—8.

A motion, by Mr. Denver, to re-consider the vote just taken, was indefinitely postponed by the following ayes and nays:

## AYES.

Messrs. Denver,  
Estill,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
Lott,  
Soule,  
Tingley,  
Walton—10.

## NAYS.

Messrs. Broderick,  
Fry,  
Hubbs,  
Miller,  
Ralston,

Messrs. Roach,  
Robinson,  
Van Buren,  
Warner—9.



Mr. Soule, from the Joint Committee on Enrollments, reported as correctly enrolled, "an Act providing for the erection of a Powder Magazine in San Francisco."

The report was adopted.

Mr. Van Buren gave notice that he would, before the close of the Session, introduce a bill concerning fees of office.

Mr. Hubbs gave notice that he would introduce, before the close of the Session, a bill requiring officers to pay over surplus fees.

Mr. Walton, on leave, introduced a bill for "an Act to appoint Commissioners to ascertain and report the amount of damages sustained by reason of the removal of the archives and the Legislature from Vallejo, and to cancel the bond of M. G. Vallejo, and others," which was read a first time and laid over under the rule.

The unfinished business, on the President's table, was then considered.

Senate Joint Resolution on the subject of appropriations for the improvement of Harbors, Bays, and Navigable Rivers, of California, (introduced by Mr. Tingley,) was taken under consideration, and, on motion of Mr. Tingley, laid upon the table.

Senate bill for "an Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary office furniture, for their respective offices," passed February 9th, 1850, was read a third time and passed.

Assembly Joint Resolution, in reference to the cession of Angel Island, was, on motion of Mr. Van Buren, laid upon the table.

Senate bill for "an Act to create a Board of Supervisors for the County of Sacramento," was, on motion of Mr. Ralston, laid upon the table.

Senate bill for "an Act to divide the State into Congressional Districts," was, on motion of Mr. Van Buren indefinitely postponed by the following vote :

#### AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lewis,  
Lind,  
Lott,  
Roach,  
Robinson,  
Van Buren—12.

#### NAYS.

Messrs. Ralston,  
Soule,

Messrs. Tingley,  
Warner—4.

On motion of Mr. Broderick, Senate bill for an Act amendatory of an Act entitled "an Act to exempt the Homestead and other property from forced sale in certain cases ;"

And Assembly bill for "an Act to protect the State Treasurer against vexatious suits and proceedings," were indefinitely postponed.

On motion of Mr. Hubbs, Assembly bill for "an Act ceding jurisdiction

over certain lands to the United States, and exempting the same from taxation," was indefinitely postponed.

Senate bill for "an Act to authorize Landlords to distrain for rent and to sell property distrained," was indefinitely postponed, on motion of Mr. Keene.

On motion of Mr. Ralston, Senate bill for "an Act to authorize and enforce mortgages on personal property," was referred to a Select Committee of three.

The chair announced as the Committee, Messrs. Ralston, Tingley, and Keyser.

Senate bill for "an Act to provide for making a Map of the State of California," was laid upon the table.

A motion, by Mr. Lewis, to postpone indefinitely Senate bill for "an Act to establish Law Libraries, for the use of the Supreme and District Courts," was agreed to by ayes and nays as follows:

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Lewis,  
Lott,  
Tingley,  
Van Buren,  
Walton—12.

## NAYS.

Messrs. Denver,  
Hubbs,  
Lind,

Messrs. Miller,  
Ralston,  
Soule—6.

On motion of Mr. Van Buren, Assembly substitute for the bill entitled "an Act to provide for the enumeration of the inhabitants of the State of California," was laid upon the table.

Senate bill for "an Act to appoint a Commissioner to codify the Laws of this State," was, on motion of Mr. Van Buren, indefinitely postponed.

Senate bill for an Act amendatory of an Act entitled "an Act to regulate the settlement of the estates of deceased persons," passed May 1, 1851, was read a third time and passed.

On motion of Mr. Van Buren, Senate bill for "an Act to provide for the establishment and regulation of Agricultural Societies in this State," was indefinitely postponed.

Assembly bill for "an Act for the relief of Jacob C. Kore," was read a third time and passed by the following vote:

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Soule,

Messrs. Keene,  
Lewis,  
Lind,  
Lott,

Messrs. Tingley,  
Van Buren,  
Walton,  
Warner—18.

NAYS—NONE.

On motion of Mr. Hubbs, Senate bill for “an Act to prohibit the fighting of wild or domestic animals,” was indefinitely postponed.

Mr. Roach, to whom had been referred Assembly bill for “an Act to amend the twentieth section of an Act concerning Coroners,” passed April 19th, 1850, reported it back, without amendment, and recommended its passage.

The report was adopted, the bill read a third time and passed.

Senate Joint Resolutions to cancel the bond of M. G. Vallejo and others,” and the report of the Joint Committee in relation thereto, were laid upon the table, on motion of Mr. Van Buren.

On motion of Mr. Estill, Assembly bill for “an Act for the relief of Lyman Leslie,” was read a third time and passed.

(Mr. Hubbs in the chair.)

On motion of Mr. Van Buren, Senate bill for “an Act to provide for the safe keeping of certain State property, and for the preparation of the Legislative Halls and offices,” was indefinitely postponed.

Mr. Fry moved to postpone indefinitely Assembly bill for “an Act to amend an Act concerning divorces,” which was agreed to by the following vote :

AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston,  
Roach,  
Soule,  
Walton,  
Warner—13.

NAYS.

Messrs. Miller,  
Tingley,

Mr. Van Buren—3.

Assembly bill for “an Act for the authentication of statutes without the approval of the Governor,” was read a third time and passed.

The amendment reported by the Committee, to Senate bill for “an Act to regulate the mode of petitioning the Legislature in certain cases,” was concurred in, on motion of Mr. Ralston, and the bill was read a third time and passed by the following vote :

## AYES.

Messrs. Broderick,  
Hubbs,  
Lewis,  
Lind,  
Lott,

Messrs. Ralston,  
Roach,  
Tingley,  
Warner—9.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Keene,

Messrs. Miller,  
Robinson,  
Walton—7.

On motion of Mr. Robinson, the report of the Judiciary Committee on Assembly bill for "an Act for the relief of William Foster," was concurred in and the bill indefinitely postponed.

Senate bill for "an Act to authorize John H. Harper to construct a wagon road from Humboldt Bay or the vicinity thereof, to Sacramento Valley," was indefinitely postponed, on motion of Mr. Van Buren.

Mr. Van Buren moved to amend Senate substitute for Assembly bill for "an Act to authorize and require Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans," by inserting after R. N. Wood, "fifty dollars," after J. C. Tucker, "one hundred dollars," and after S. A. McMeans, "one hundred and ten dollars," which was lost by ayes and nays as follows:

## AYES.

Messrs. Broderick,  
Lewis,  
Ralston,  
Roach,

Messrs. Robinson,  
Van Buren,  
Walton—7.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lind,  
Lott,  
Miller,  
Tingley—9.

A motion by Mr. Broderick to amend by striking out "General Fund," and inserting "Contingent Fund," was lost by ayes and nays as follows:

## AYES.

Messrs. Broderick,  
Ralston,  
Roach,

Messrs. Robinson,  
Van Buren—5.



## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Miller,  
Tingley,  
Walton—11.

The substitute was then read a third time and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to grant the right of way to the United States, for Rail Road purposes."

"An Act providing for the erection of a State Prison."

And Senate Joint Resolution on the subject of the overland Rail Way to the Pacific Ocean.

The report was adopted.

Senate bill for "an Act defining the duties of the Clerk of the Superior Court, of the City of San Francisco," was substituted for Assembly bill entitled "an Act to amend an Act to define the duties of County Clerk," on motion of Mr. Van Buren; the substitute was then read a third time and passed.

Senate bill for "an Act to prevent certain officers from dealing in certain securities or evidences of debt," was laid upon the table, on motion of Mr. Van Buren.

Senate bill for "an Act to amend section fourteen of the Act concerning the Courts of Justice of this State, and Judicial Officers," passed March 11th, 1851, was laid upon the table, on motion of Mr. Lind.

On motion of Mr. Van Buren, Assembly bill for "an Act for the relief of B. F. Ankeny, W. A. Cunningham, and James T. Griffiths," was laid upon the table.

On motion of Mr. Lewis, Assembly bill for "an Act to authorize the County Surveyors of Yuba, Nevada, Butte, Sierra and Trinity, to survey the County lines," was indefinitely postponed.

Senate bill for "an Act authorizing the Governor of the State of California, to procure a Block of California Marble, to be forwarded to the Washington Monument Society," was read a third time and passed.

Assembly bill for "an Act concerning the administration of Oaths," was read a third time and passed.

Assembly "Joint Resolutions in regard to Indian Reservations," were, on motion of Mr. Van Buren, laid upon the table.

Mr. Van Buren moved to amend Assembly bill for "an Act to amend an Act concerning crimes and punishments," by striking out in the eighteenth line, the words "Court or," which was agreed to, and the bill, as amended, was read a third time and passed.

The unfinished business having been disposed of, on motion of Mr. Keene, Assembly bill for "an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, and Monterey Expeditions against the Indians."

And Assembly bill for "an Act directing the State Treasurer to redeem

Warrants issued to Mariposa Volunteers, in twelve per cent. bonds, were made the special order for to-morrow at 11 o'clock.

Mr. Estill gave notice that he would, before the close of the Session, introduce a bill to provide for the voluntary inspection of flour in this State.

Mr. Tingley moved to refer Senate bill for "an Act concerning the office of Port Warden, and defining the duties thereof," to a Select Committee of three, with instructions, and pending this motion the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

WEDNESDAY, April 28, 1852.

The Senate met pursuant to adjournment.

President pro tem. in the Chair.

Prayer by the Rev. Mr. Benton.

The Journal of Tuesday was read and approved.

President in the Chair.

Mr. Hubbs from the Committee to examine the accounts and vouchers of the Treasurer and Comptroller of State, reported that the duties assigned to the Committee had not been fulfilled, and recommended some further action by the Senate on the subject.

The report was accepted and laid upon the table.

Mr. Lott from the Committee on Claims, reported back the accounts of Benjamin Chapman, with a bill for "an Act for the relief of Benjamin Chapman," which was read a first and second time, the rules suspended, it was read a third time and passed.

Mr. Lott, from the same Committee, reported back Assembly bill for "an Act for the relief of Jesse D. Carr," and re-commended its passage.

The report was adopted, the bill read a third time and passed.

Mr. Van Buren moved to re-consider the vote just taken on the passage of the bill which was lost by the following ayes and nays :

### AYES.

Messrs. Hubbs,  
Lind,

Messrs. Sprague,  
Van Buren—4.

### NAYS.

Messrs. Broderick,  
Denver,  
Keene,

Messrs. McKibben,  
Miller,  
Roach,

Messrs. Keyser,  
Lewis,  
Lott,

Messrs. Snyder,  
Soule,  
Tingley—12.

On motion of Mr. Tingley, Senate bill for "an Act for the government of Indians, was referred to the Committee on Indian Affairs.

Mr. Soule, from the Committee on Education, reported back Assembly bill,

"To provide for the disposal of the 500,000 acres of land granted by the general government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools," for the consideration of the Senate, with the opinion that it is inexpedient to pass the bill at this time.

The report was read, five hundred copies ordered printed, and the bill,

On motion of Mr. Fry, made the special order for Friday next, at 12 o'clock. (See Appendix 42.)

Messages were received from the Governor informing the Senate he had approved on the 27th inst.,

"An act entitled an Act to amend an Act to establish pilot regulations for the Port of San Francisco," passed February 25th, 1850.

"An Act entitled an Act to provide for the payment of a Translator."

"An Act entitled an Act giving the consent of the Legislature of the State of California to purchase, by the United States, of land within this State for public purposes."

"An Act entitled an Act for the relief of Wm. Rogers, Sheriff of El Dorado County."

Resolution entitled "Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852.

"An Act providing for the erection of a Powder Magazine in San Francisco."

"And on the 28th, "an Act to provide that the Treasurer of the County of Calaveras shall be collector of taxes for said county until it shall be decided who is Sheriff of said county."

And "an Act amendatory of an Act to incorporate the City of Sacramento."

Mr. Van Buren from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act amendatory of an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons," passed May 1st, 1851;

A bill for "an Act regulating the mode of petitioning the Legislature in certain cases;"

A bill for "an Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices, and procure the necessary furniture for their respective offices," passed February 9, 1851;

And a bill for "an Act to authorize and require the Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans,"

The report was adopted.

Senate bill for "an Act concerning the office of Port Warden, and defining the duties thereof," was then taken under consideration, and

On motion of Mr. Walton, the bill was laid upon the table.

Mr. Tingley submitted a Joint Resolution authorizing the Senate and Assembly Committees on Enrollment, to strike out the word "*tonnage*," in the thirty-third line of "an Act amendatory of an Act to incorporate the City of Sacramento," which was laid upon the table.

A message was received, informing the Senate that the Assembly passed on the 26th inst., "an Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851;

Also, a bill to be entitled "an Act to declare the Arroyo del Medo, navigable."

And passed on yesterday, a bill to be entitled "an Act to amend an Act to regulate proceedings in Criminal Cases," approved May 1st, 1851;

A bill for "an Act to revise the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," approved April 29th, 1851;

And Senate concurrent resolution to adjourn *sine die* on the 3d day of May next;

And concurred in the report of the Conference Committee on a bill for "an Act concerning the organization of the Militia;"

And concurred in the Senate's amendments to Assembly bills, "an Act regulating the duties of Harbor Master of the Port of San Francisco;"

"An Act entitled an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same."

"An Act creating the office of Clerk of the Recorder's Court of the City of Sacramento."

And that the Governor approved on the 26th and 27th, the following bills:

"An Act for the relief of James S. Raines;"

"An Act entitled an Act amendatory of the twentieth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851;

"An Act entitled an Act to alter the times of holding the General Election;"

"An Act entitled an Act for the relief of E. J. C. Kewen;"

Also, "an Act entitled an Act fixing the times at which Representatives in Congress shall be elected."

Assembly bill for "an Act amendatory of the 20th section of the Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851, was read the first and second time, amended, read a third time and passed.

Assembly bill for "an Act to declare the Arroyo del Medo navigable," was read three times and passed, the rules being suspended for that purpose.

Assembly bill for "an Act to amend an Act to regulate proceedings in Criminal Cases," approved May 1st, 1851, was read the first and second time, and

On motion of Mr. Tingley, referred to the Judiciary Committee with instructions to report it back to-morrow.

Assembly bill for "an Act to authorize the Board of Examiners to settle the accounts of Maj. William Rogers, in the first and second El Dorado Expedition against the Indians," was read the first and second time, the rules suspended, read a third time, and passed by the following vote:



## AYES.

Messrs. Denver,  
Hubbs,  
Keene,  
Keyser,  
Lind,  
Lott,

Messrs. Miller,  
Snyder,  
Sprague,  
Tingley,  
Van Buren,  
Walton—12.

## NAYS.

Messrs. Broderick,  
Lewis,

Mr. Roach—3.

Assembly bill for "an Act to revise the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," approved 29th April, 1851, was read the first and second time, and

On motion of Mr. Tingley, referred to the Judiciary Committee.

On motion of Mr. Snyder, (Mr. Lott in the chair) Senate bill for "an Act to provide for making a map of the State of California."

The bill was amended, when

On motion of Mr. Broderick, it was referred to the Committee on Public Lands.

Mr. Ralston from the Select Committee, to whom was referred the special message of the Governor in relation to the Asiatic emigration to this State, submitted a report with a bill for "an Act to protect mining interests, and to prevent excessive emigration from Asia to the State of California," which was read the first and second time, and made the special order for Saturday next, at 12 M.

The report, on motion of Mr. Keene, was accepted, and five hundred copies ordered printed. (See Appendix 43.)

Mr. Tingley was granted leave of absence until Saturday next.

On motion of Mr. Broderick, Assembly bill for "an Act to repeal the second section of an Act entitled an Act in relation to the City of San Francisco," passed May 1st, 1851 ;

And Senate bill for an Act to repeal "an Act entitled an Act in relation to the City of San Francisco," were made the special order for Friday next.

The Senate then resumed the consideration of the Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey Expeditions against the Indians ;"

And Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers in 12 per cent. bonds ;" and pending the discussion upon the same,

On motion of Mr. Estill, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

THURSDAY, April 29, 1852.

The Senate met pursuant to adjournment.

President pro tem. in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Wednesday was read and approved.

Mr. Keyser, from the Committee on Counties and County Boundaries, reported back Assembly bill for "an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25th, 1851, and recommend its passage, with an amendment, which was concurred in; the bill, as amended, read a third time and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed—

An Act authorizing the Governor of the State of California to procure a block of California Marble to be forwarded to the Washington Monument Society.

An Act defining the duties of the Clerk of the Superior Court of the City of San Francisco. And

An Act for the relief of Benjamin Chapman.

The report was adopted.

Mr. Snyder, from the Committee on Public Lands, to whom was referred Senate bill for "an Act to provide for making a map of the State of California," reported the same back with a substitute, which was read the first and second time—the rules suspended, considered, engrossed, read a third time and passed.

Mr. Fry, from the Select Committee on Gambling, to whom had been referred sundry petitions, praying the passage of a law to suppress Gambling in this State, reported them back and requested to be discharged from their further consideration, which was granted and the petitions laid upon the table.

Mr. Snyder, from the Committee on Claims, reported back the petition of C. E. Pickett, and recommended that it be referred to the Sacramento delegation, and it was so referred.

Senate bill for "an Act to appoint Commissioners to ascertain and report the amount of damages sustained by reason of the removal of the archives and Legislature from Vallejo, and to cancel the bond of M. G. Vallejo and others, was read a second time, and, on motion of Mr. Walton, referred to the Committee on Public Lands.

The Committee subsequently reported the same back without amendment, and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Denver, from the Committee of Conference on the disagreeing vote of the two Houses, on the bill to provide for the ordering of a special election in the County of Trinity, reported that the Committee had agreed that the Senate concur in the House amendment.

The report was adopted, and, on motion of Mr. Van Buren, the amendment of the Assembly was concurred in.

A message was received, informing the Senate that the Assembly passed

on the 28th instant Senate bill for "an Act to fund the indebtedness of the State which has accrued or may accrue from April 2<sup>nd</sup>, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. Bonds," with amendments.

The bill was then taken under consideration, and Assembly amendments, the first, to the fifth section, to strike out "*for one hundred*," and insert "*one hundred*," was concurred in by the ayes and nays as follows:

## AYES.

Messrs. Denver,  
Hull's,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Snider,  
Sprague,  
Van Buren—11.

## NAYS.

Messrs. Broderick,  
Estill,  
Fry,  
Lind,

Messrs. Ralston,  
Roach,  
Robinson,  
Warner—5.

The remainder of the amendments were then severally concurred in.

Mr. Keene, from the Committee on Contingent Expenses, reported as correct the account of T. H. Borden, \$174.50, for stationery, and recommended that the same be allowed.

The report was adopted and the account ordered paid.

A message was received from the Governor, informing the Senate that he approved, on the 28th instant.—

An Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by the State prior to being admitted into the Union, and the mode of appropriating the same."

An Act respecting the Trustees of the City of San Diego.

And Joint Resolutions of instruction to our Representatives in Congress, in relation to the claim of Elias Waldron.

A message was received, informing the Senate that the Assembly passed, on yesterday, Senate bills—

"An Act providing for a fund for the use of the State Library."

"An Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor-General, and Attorney-General to rent offices and procure the necessary office furniture for their respective offices," passed February 9th, 1850.

Senate substitute for Assembly bill for "an Act to authorize and require Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans."

Senate bill "an Act to fund the debt of the County of Calaveras, and provide for the payment thereof."

And Senate Joint Resolution on the subject of the overland Railway to the Pacific ocean."

And concurred in Senate amendment to Assembly bill to amend an Act entitled "an Act concerning crimes and punishments," passed April 16th, 1850.

Also concurred in the report of the Conference Committee upon the disagreeing vote between the two Houses upon a bill ordering a special election in the County of Trinity.

And passed, yesterday, the following bills :

A bill for an Act amendatory of an Act to create a State Hospital in the City of Sacramento.

A bill to be entitled "an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco," approved April 30th, 1851.

An Act for the relief of emigrants travelling overland to California.

A bill to be entitled "an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco," passed March 26th, 1851.

An Act entitled "an Act to separate the office of Recorder in Butte County from the office of County Clerk."

A bill to be entitled "an Act to amend the twenty-second section of an Act to create a State Hospital in the City of Stockton," passed April 30th, 1851.

And an Act to amend the eighteenth section of an Act entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851.

Assembly bill for "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the City of Sacramento,'" was read the first and second time, and, on motion of Mr. Walton, referred to the Committee on State Hospitals.

Assembly bill for "an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco," approved April 30th, 1851, was read a first and second time and referred to same Committee.

Assembly bill for "an Act for the relief of immigrants travelling overland to California, was read the first and second time and referred, on motion of Mr. Warner, to the Committee on Finance.

Assembly bill for "an Act to provide a revenue for the State Marine Hospital at San Francisco," passed March 26th, 1851, was read a first and second time, and, on motion of Mr. Broderick, referred to the Committee on State Hospitals.

Assembly bill for "an Act to separate the office of Recorder in Butte County from the office of County Clerk," was read a first and second time, and, on motion of Mr. Walton, referred to the Judiciary Committee.

Assembly bill for "an Act to amend the twenty-second section of an Act to create a State Hospital in the City of Stockton," passed April 30th, 1851, was read a first and second time and referred to the Committee on State Hospitals.

Assembly bill for "an Act to amend the eighteenth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, was read a first and second time, and, on motion of Mr. Van Buren, laid upon the table.



The bill, on motion of Mr. Keyser, was taken from the table and referred to the delegation from Sutter, Yuba, Butte and Shasta.

On motion of Mr. Lind, the Senate concurred in Assembly amendments to Senate bill for an Act to fund the debt of the County of Calaveras, and provide for the payment thereof, except the amendment in section seven, line five, to strike out the word "fifteen," and insert "seven," in which the Senate refused to concur.

Mr. Miller, on leave, introduced a bill for "an Act to provide for the payment of State Prison Inspectors," which was read twice and referred to the Committee on State Prisons.

Mr. Estill, agreeably to notice, introduced a bill for "an Act to provide for the Inspection of Flour," which was read twice, and, on motion of Mr. Broderick, referred to a Select Committee.

The chair appointed, as the Committee, Messrs. Broderick, Estill and Keene.

Mr. Sprague moved to take from the table Assembly bill for "an Act to divide the County of Colusi," which was agreed to, and the bill, on motion of Mr. Lewis, was referred to a Special Committee of three, with instructions to report to-morrow.

The chair announced as the Committee, Messrs. Lewis, Lott and McKibben.

Mr. Soule, from the Joint Committee on Enrollments, reported as correctly enrolled—

"An Act respecting the Trustees of the City of San Diego."

"Joint Resolution of instructions to our Representatives in Congress in relation to the claim of Elias Waldron."

"An Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same."

"An Act for the relief of W. E. P. Hartnell."

"An Act for the relief of James S. Raines."

"An Act for the appointment of a Guager for the Port of San Francisco."

"An Act to provide for choosing Electors for President and Vice President of the United States."

"An Act for the protection of Game."

"An Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley."

"An Act concerning crimes and punishments," passed April 16th, 1850.

"An Act concerning the organization of the Militia."

"An Act for the relief of Jacob C. Kore."

"An Act for the relief of Lyman Leslie."

"An Act concerning the administration of Oaths."

"An Act for the authentication of Statutes without the approval of the Governor."

"An Act to amend the twentieth section of an Act concerning Coroners."

"An Act entitled an Act to authorize Dennis B. Mooney to collect tolls and ferry across Trinity river, in Trinity County, or to substitute a toll bridge for the same."

"An Act entitled an Act to authorize William Morehead, Thomas Palmer and Company to collect tolls on a bridge across Trinity river, in Trinity County."

"An Act supplementary to an Act to incorporate the City of Los Angeles," passed April 1st, 1850."

"An Act authorizing the Comptroller to draw on the Treasurer of Sacramento County to defray the contingent expenses of the present Legislature."

"An Act to amend the eighteenth section of an Act to apportion the Senatorial and Assembly Districts," passed May 1st, 1851.

"An Act creating the office of Clerk of the Recorder's Court of the City of Sacramento."

"An Act to provide for appeals in certain cases."

The report was adopted.

A message was received from the Governor, informing the Senate that he had this day approved an Act to provide for the Public Printing.

Mr. Van Buren moved to take from the table Assembly bill for an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the insane of the State, and to provide for their support," which was agreed to.

Mr. Robinson moved to strike out "Stockton," and insert "Sacramento City."

Mr. Warner moved to amend the motion by inserting "Monterey."

Mr. Keene moved a division of the motion, which was carried, and the Senate agreed to strike out, first.

The motion to strike out Stockton, was then put and carried by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Lewis,  
Lott,  
McKibben,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walton,  
Warner—14.

#### NAYS.

Messrs. Broderick,  
Hubbs,  
Lind,

Messrs. Miller,  
Soule,  
Van Buren—6.

Mr. Van Buren moved to postpone the bill indefinitely, which was lost by the following vote :

#### AYES.

Messrs. Hubbs,  
Lind,

Mr. Van Buren—3.

## NAYS.

Messrs. Broderick,  
 Denver,  
 Fry,  
 Keene,  
 Keyser,  
 Lewis,  
 Lott,

Messrs. McKibben,  
 Miller,  
 Ralston,  
 Robinson,  
 Snyder,  
 Sprague,  
 Walton—14.

Mr. Broderick moved to insert San Francisco.

Mr. Hubbs moved to lay the motions of Mr. Broderick and of Mr. Warner, to insert Monterey, upon the table, which was lost.

The question recurring on Mr. Broderick's motion to insert San Francisco, it was lost by the following vote :

## AYES.

Messrs. Broderick,  
 Estill,  
 Miller,

Messrs. Snyder,  
 Van Buren,  
 Walton—6.

## NAYS.

Messrs. Denver,  
 Fry,  
 Hubbs,  
 Keene,  
 Keyser,  
 Lewis,

Messrs. Lind,  
 Lott,  
 Ralston,  
 Roach,  
 Robinson—11.

Mr. Warner's motion to insert "Monterey," was then put and lost.

Mr. Broderick moved to insert "Mission of Dolores," which was lost.

Mr. Fry moved to insert Martinez, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
 Estill,  
 Fry,  
 Hubbs,

Messrs. Keyser,  
 Lind,  
 Snyder,  
 Van Buren—8.

## NAYS.

Messrs. Denver,  
 Keene,  
 Lewis,  
 Lott,  
 McKibben,  
 Miller,

Messrs. Ralston,  
 Roach,  
 Robinson,  
 Sprague,  
 Walton—11.

Mr. Hubbs moved to insert "Castoria," adjacent to Stockton.  
The motion was lost by the following vote :

## AYES.

Messrs. Broderick,  
Fry,  
Hubbs,  
Lind,

Messrs. Miller,  
Soule,  
Van Buren—7.

## NAYS.

Messrs. Denver,  
Keene,  
Keyser,  
Lewis,  
Lott,  
McKibben,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walton—12.

Mr. Broderick moved to insert "Presidio," contiguous to San Francisco,  
which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Hubbs,  
Lind,  
Miller,

Messrs. Snyder,  
Soule,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Denver,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Ralston,  
Roach,  
Robinson,  
Sprague,  
Walton—12.

Mr. Lind moved to insert San Jose. Lost.

Mr. Van Buren moved to insert "Contra Costa," which was lost by the  
following vote :

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Hubbs,  
Lind,

Messrs. Miller,  
Soule,  
Van Buren,  
Warner—9.



## NAYS.

Messrs. Denver,  
Keene,  
Keyser,  
Lewis,  
Lott,  
McKibben,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Sprague,  
Walton—12.

Mr. Van Buren moved to insert "Benicia."

Mr. Walton moved the previous question, which was not sustained.

The question recurring on the motion to insert "Benicia," it was adopted by the following vote :

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Hubbs,  
Lind,  
McKibben,

Messrs. Miller,  
Snyder,  
Soule,  
Van Buren,  
Warner—11.

## NAYS.

Messrs. Denver,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. Ralston,  
Roach,  
Robinson,  
Sprague,  
Walton—10.

On motion of Mr. Van Buren, the bill was then referred to a Special Committee of three, with instructions to report it back to-morrow.

The chair appointed, as the Committee, Messrs. Van Buren, Keene and Soule.

Mr. Lewis moved to take up the unfinished business of yesterday, which was agreed to, and the Senate resumed the consideration of the Assembly bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey expeditions against the Indians."

And Assembly bill for "an Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers in 12 per cent. Bonds."

Mr. Broderick moved to adopt, as a substitute, Senate bill for "an Act to provide for the settlement of claims against the State, for and on account of expenses incurred in the suppression of Indian hostilities," on which the ayes and nays were demanded with the following result :

## AYES.

Messrs. Broderick,  
Keyser,

Messrs. Roach,  
Robinson,

Messrs. Lewis,  
Lind,  
McKibben,

Messrs. Soule,  
Van Buren,  
Warner—10.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Miller,  
Ralston,  
Snyder,  
Sprague,  
Walton—10.

The President gave the casting vote in the affirmative, and the substitute was adopted.

Mr. Broderick moved to adjourn. Lost.

After some further discussion, on motion of Mr. Broderick the Senate took a recess until eight o'clock this evening.

## EVENING SESSION.

Senate re-assembled at 8 o'clock.

President in the chair.

The unfinished business was then considered, being the substitute, "an Act to provide for the settlement of claims against the State for and on account of expenses incurred in the suppression of Indian hostilities."

Mr. Lind having voted in the affirmative, moved a re-consideration of the vote by which the substitute was adopted.

Mr. Broderick moved a call of the Senate.

Mr. Lewis moved to lay the whole subject upon the table, and make the motion to re-consider the special order for to-morrow, at 11 o'clock, which was agreed to.

On motion of Mr. Lewis, the report of the Committee on the mode of determining the terms of Senators, was taken from the table.

The report of Mr. Sprague and the resolution of Mr. Van Buren, were then read, when, on motion of Mr. Sprague, the subject was laid upon the table and made the special order for to-morrow night at 8 o'clock.

On motion of Mr. Hubbs, Assembly Joint Resolution concerning the Red Wood Lands in this State, was taken up, amended, read a third time, and, on the question—"Shall the resolution be now passed?" the ayes and nays were demanded, but no quorum voted.

Mr. Van Buren moved to adjourn. Lost.

After some further discussion, on motion of Mr. Warner, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest:

A. C. BRADFORD, Secretary.

## IN SENATE.

FRIDAY, April 30, 1852.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Benton.

The journal of Thursday was read and approved.

Mr. Lott from the Committee on Claims, to whom had been referred sundry accounts of the citizens of Vallejo, reported a bill for an Act for the relief of D. Hasleton, N. A. Holley and Company, and Lawrence McMahon.

The report was accepted, and bill read the first and second time, considered, engrossed, read a third time and passed.

Mr. Ralston, from the Select Committee, to whom had been referred Senate bill for "an Act to authorize and enforce mortgages on personal property," reported the same back and recommended its passage.

The report was accepted, and the bill laid on the table. It was afterwards taken up, and

On motion of Mr. Ralston, considered as in Committee of the Whole, reported back without amendment, read a third time, and on the question "shall the bill be passed," it was decided in the negative by the following vote:

## AYES.

Messrs. Broderick,  
Denver,  
Ralston,

Messrs. Robinson,  
Sprague,  
Warner—6.

## NAYS.

Messrs. Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. Miller,  
Roach,  
Snyder,  
Soule,  
Van Buren,  
Walton—13.

Mr. Van Buren, from the Judiciary Committee, submitted the following report, which was accepted:

*Mr. President:*

The Judiciary Committee, to whom was referred the various bills and resolutions herein named, have instructed me to report back for the consideration of the Senate,

Assembly bill for "an Act to organize the Courts of Justice of the State of California;"

Assembly bill for "an Act to regulate the terms of the District Court of the Tenth Judicial District;"

Assembly bill for "an Act to authorize the Comptroller of State to audit accounts of Officers of Court in certain cases ;"

Senate bill for "an Act for the assurance of Titles to purchasers at Judicial sales ;"

Senate bill for "an Act to legalize certain records of deeds and other instruments of writing made by Henry A. Schoolcraft ;"

Senate bill to amend the "Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April 29th, 1851 ;"

Assembly bill for "an Act to amend an Act to regulate proceedings in criminal cases, approved May 1st, 1851 ;"

Senate bill for "an Act to prevent 'Coolie' labor in the mines, and to prevent involuntary servitude ;"

Also, the translation of the decree of Antonio Lopez de Santa Anna, of March 11th, 1842 ;

And the statement of the Governor as to the number of appointments made, and the number of pardons granted, during the past year.

Mr. Robinson, from the Committee on State Hospitals, reported back Assembly bill for "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the City of Sacramento,' " and recommended its passage.

The report was accepted, and the bill laid upon the table. It was subsequently taken up, read a third time, and on the question "shall the bill now be passed," it was decided in the affirmative by the following vote :

#### AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Ralston,  
Robinson,  
Snyder,  
Sprague,  
Van Buren—15.

#### NAYS.

Messrs. Hubbs,  
Roach,

Messrs. Walton,  
Warner—4.

A message was received, informing the Senate that the Assembly passed, yesterday, the following Senate bills :

"An Act concerning passengers arriving in the ports of the State of California," with amendments ;

"An Act concerning Common Schools," with amendments ;

"An Act providing for the erection of a State Prison ;"

"An Act to prevent certain public nuisances," with amendments ;

"An Act to grant the right of way to the United States for Railroad purposes ;"

"An Act for the relief of Lorenzo Hubbard."

And the Assembly passed, also, the following bills :



"An Act to incorporate the town of Oakland;"

"An Act concerning free persons of color;"

"An Act to amend the one hundred and eighty-second section of 'an Act concerning Corporations;'" and

"An Act to legalize the acts of the Court of Sessions of Napa County."

On motion of Mr. Roach, the Senate concurred in Assembly amendments to Senate bill for "an Act concerning passengers arriving in the ports of the State of California."

The Senate also concurred in Assembly amendments to Senate bill for "an Act to prevent certain public nuisances."

Assembly bill for "an Act to amend the one hundred and eighty-second section of 'an Act concerning Corporations,' passed April 22d, 1850," was read the first and second time, the rules suspended, it was read a third time and passed.

Assembly bill for "an Act to incorporate the town of Oakland," was read the first and second time, the rules being suspended for that purpose, it was then read a third time and passed.

Assembly bill for "an Act to legalize the acts of the Court of Sessions of Napa County," was read the first and second time, and laid upon the table. It was subsequently taken up, on motion of Mr. Estill, read a third time and passed.

Assembly bill for "an Act concerning free persons of color," was read the first and second time, and referred to the Judiciary Committee.

Mr. Broderick, from the Committee on Finance, to whom had been referred Assembly bill for "an Act for the relief of emigrants travelling over land to California," reported the same back and recommended its passage.

The report was accepted, the bill read a third time and passed.

Mr. Robinson, from the Committee on State Hospitals, reported back Assembly bill for "an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed 26th March, 1851," and recommended its passage.

The report was accepted and the bill laid on the table.

Mr. Robinson, from the same committee, also reported back Assembly bill for "an Act to amend 'an Act to provide for the establishment of a State Marine Hospital at San Francisco,' approved 30th April, 1851," and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Robinson, from the same Committee, reported back, also, Assembly bill for "an Act to amend the twenty-second section of 'an Act to create a State Hospital in the City of Stockton,' passed April 30th, 1851," and recommended its passage.

The report was accepted and the bill laid upon the table.

Mr. Van Buren, from the Select Committee, reported back Assembly bill for "an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State, and to provide for their support," and recommended the passage of the bill as it came from the Assembly, without amendment.

The report was accepted and the bill laid upon the table.

Mr. Keyser, from the Special Committee, to whom was referred Assembly bill for "an Act to amend the eighteenth section of an Act entitled 'an Act dividing the State into Counties and establishing the Seats of Justice

therein,' passed April 25th, 1851," reported the same back without amendment and recommended its passage.

The report was adopted, the bill read a third time and passed.

On motion of Mr. Ralston, the Special order for to-day, being Assembly bill "to provide for the disposal of the 500,000 acres of land granted by the General Government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools," was laid upon the table.

On motion of Mr. Van Buren, Assembly bill for "an Act to authorize the Trustees of the Stockton State Hospital to erect a building for Insane of the State, and to provide for their support," was taken from the table, the report of the Committee recommending the passage of the bill as it came from the Assembly, was adopted, the bill read a third time and passed by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keyser,

Messrs. Lind,  
Miller,  
Roach,  
Sprague,  
Van Buren—11.

## NAYS.

Messrs. Keene,  
Lewis,  
Lott,  
McKibben,  
Ralston,

Messrs. Robinson,  
Snyder,  
Walton,  
Warner—9.

Mr. Estill moved a re-consideration of the vote taken yesterday on the adoption of Senate bill for "an Act to provide for the settlement of claims against the State for, and on account of, expenses incurred in the suppression of Indian hostilities," as a substitute to Assembly bills numbers twenty-three and one hundred and fifteen, on which the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lott,

Messrs. Miller,  
Ralston,  
Snyder,  
Soule,  
Sprague,  
Walton—12.

## NAYS.

Messrs. Broderick,  
Keyser,  
Lewis,  
Lind.  
McKibben,

Messrs. Roach,  
Robinson,  
Van Buren,  
Warner—9.

So the vote on the adoption of the substitute, was re-considered.

The bill, on motion of Mr. Walton, was then laid upon the table.

On motion of Mr. Broderick, Assembly bill for "an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April 30th, 1851," was taken under consideration, read a third time, and passed.

Assembly bill for "an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed 26th March, 1851," was also taken from the table, read a third time and passed.

Assembly bill for "an Act to amend the twenty-second section of an Act to create a State Hospital in the City of Stockton, passed April 30th, 1851," was taken from the table, read a third time and passed.

On motion, Senate bill for "an Act to prevent certain Officers from dealing in certain securities or evidences of debt," was taken from the table, amended, read a third time and passed.

Mr. Keyser, from the Judiciary Committee, reported back Assembly bill for "an Act to separate the office of Recorder, in Butte County, from the office of County Clerk," and recommended its passage.

The report was accepted and the bill laid upon the table.

(Mr. Keyser in the chair.)

On motion of Mr. Roach, Senate bill for "an Act concerning the office of Port Warden, and defining the duties thereof," was taken from the table, read a third time and passed.

Mr. Hubbs moved to take up Senate bill for "an Act concerning Common Schools."

Mr. Van Buren moved a call of the Senate, which was sustained, and Messrs. Estill, Sprague and Walton, were absent.

On motion of Mr. Hubbs, the call was temporarily suspended.

Mr. Soule, from the Joint Committee on Enrollments, reported as correctly enrolled,

"An Act providing for a fund for the use of the State Library;"

"An Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General and Attorney General, to rent offices and procure the necessary office furniture for their respective offices;"

"An Act to authorize and require Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans;"

"Joint Resolution on the subject of the overland Railway to the Pacific Ocean;"

"An Act for the relief of Lorenzo Hubbard;"

"An Act regulating the duties of Harbor Master of San Francisco;"

Also,

"An Act for the relief of Jesse D. Carr;" also,

"An Act declaring the Arroyo del Medo navigable;" also,

"An Act to authorize the Board of Examiners to settle the accounts of Major William Rogers, for the first and second Indian expeditions;" also,

"An Act to provide for the ordering of a special election in the County of Trinity;" also,

"An Act entitled 'an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same.'"

The report was adopted.

On motion of Mr. Robinson, Senate bill for "an Act to incorporate the California Institute," was taken from the table.

Senate bill for "an Act to authorize C. A. Shelton to make a botanical collection of the native trees, shrubs, plants and flowers of the State of California," was also taken up, and

On motion of Mr. Walton, both bills were referred to a Select Committee of three.

The chair appointed as the Committee, Messrs. Ralston, Broderick and Hubbs.

A message was received, informing the Senate that the Assembly passed, yesterday,

"An Act to fund the debt of Yuba County and to provide for the payment thereof;"

"An Act concerning possessory rights to Quartz Mines;" and Senate bill for

"An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," with amendments."

On motion of Mr. Ralston, the bill to create a Board of Supervisors &c., was taken under consideration.

On motion of Mr. Broderick, the Senate refused to concur in the Assembly amendments thereto.

Assembly bill for "an Act concerning possessory rights to Quartz Mines," was read a first and second time, and on motion of Mr. McKibben, referred to a special Committee of three.

The chair appointed as the Committee, Messrs. McKibben, Lind and Keene.

A message was received, informing the Senate that the Assembly passed, this day, Senate bill for

"An Act to authorize William Moody and Morgan Hart to build a wharf in the County of Solano," with amendment; and passed a substitute for Senate bill for

"An Act concerning escheated estates;" and a bill for

"An Act to authorize John Craycroft and Company to construct a wagon road from Utah Territory to the Sacramento Valley, via Downieville, Sierra County, and to regulate the tolls to be collected on the same."

Assembly substitute for Senate bill for "an Act concerning escheated estates," was taken up, and the Senate,

On motion of Mr. Van Buren, refused to adopt the substitute; and a Committee of Conference was appointed, on motion of Mr. Fry, upon the disagreeing vote.

The chair appointed as the Committee, Messrs. Fry, Soule and Broderick.

Assembly bill for "an Act to fund the debt of Yuba County and to provide for the payment of the same," was read twice and referred to the Senator from Yuba.



Mr. Van Buren asked leave to change his vote on the passage of the Assembly bill for "an Act to amend an Act to create a State Hospital in the City of Sacramento," passed this day, which was granted, and his vote changed to the affirmative.

Mr. Ralston moved to take up Senate bill for "an Act to authorize James Gallagher and others to build a toll bridge across the American River," which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Lind,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Soule,  
Warner—13.

## NAYS.

Messrs. Hubbs,  
Keene,  
Keyser,

Messrs. Lewis,  
Snyder—5.

The bill was then read a third time, and on the question "shall the bill be now passed," it was decided in the negative by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,

Messrs. Lott,  
Ralston—5.

## NAYS.

Messrs. Broderick,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
McKibben,

Messrs. Miller,  
Roach,  
Snyder,  
Van Buren,  
Warner—11.

On motion of Mr. Estill, the Senate concurred in Assembly amendment to Senate bill for "an Act to authorize William Moody and Morgan Hart to build a wharf in the County of Solano."

Assembly bill for "an Act to authorize John Craycroft and Company to construct a wagon road from Utah Territory to the Sacramento Valley, via Downieville, Sierra County, and to regulate the tolls to be collected on the same," was read a first and second time and referred to the Senator from Yuba.

Mr. Broderick moved a call of the Senate, which was sustained, and Mr. Hubbs was absent.

Mr. Hubbs appeared, when, on motion of Mr. Estill, further proceedings under the call were suspended.

The question was then taken on concurring in Assembly amendments to Senate bill for "an Act concerning Common Schools," and the Senate refused to concur, by the following vote :

AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Lewis,  
Lott,  
McKibben,  
Miller,  
Walton—10.

NAYS.

Messrs. Broderick,  
Hubbs,  
Lind,  
Ralston,  
Roach,  
Robinson,

Messrs. Snyder,  
Soule,  
Sprague,  
Van Buren,  
Warner—11.

Mr. Sprague moved a re-consideration of the vote just taken, on which the ayes and nays were demanded with the following result :

AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,

Messrs. Lewis,  
McKibben,  
Miller,  
Sprague,  
Walton—10.

NAYS.

Messrs. Broderick,  
Hubbs,  
Lott,  
Ralston,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Van Buren,  
Warner—10.

So the motion to re-consider was lost.

Mr. Van Buren moved a call of the Senate, which was sustained.

Senators all present except those to whom leave of absence had been granted.

Further proceedings under the call were dispensed with.

Mr. Robinson introduced a concurrent resolution to elect John A. Reed,

P. B. Cornwall, Harry Houghton and Daniel J. Lisle, Trustees of the Sacramento State Hospital, which was read and laid on the table.

On motion of Mr. Lewis, Senate bill "to amend the Act entitled 'an Act to regulate proceedings in civil cases in the Courts of Justice of this State,' passed 29th April, 1851," was made the special order for eight o'clock this evening.

On motion, the Senate took a recess until eight o'clock P. M.

### EVENING SESSION.

Senate re-assembled at 8 o'clock.

President in the chair.

On motion of Mr. Fry, a Committee of Conference was appointed on the disagreeing vote of the two Houses on Senate bill for "an Act concerning escheated estates," which was agreed to, and the chair appointed Messrs. Fry, Soule and Broderick as the Committee.

The Senate then took under consideration Assembly bill for "an Act to repeal the second section of an Act entitled an Act in relation to the City of San Francisco," and Senate bill to repeal "an Act entitled an Act in relation to the City of San Francisco," made the special order for to-day.

Mr. Walton moved to lay the bills upon the table, on which the ayes and nays were demanded, with the following result :

#### AYES.

Messrs. Estill,  
Keene,  
McKibben,  
Roach,  
Snyder,

Messrs. Soule,  
Sprague,  
Walton,  
Warner—9.

#### NAYS.

Messrs. Broderick,  
Denver,  
Fry,  
Keyser,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Van Buren—9.

The President voting in the negative, the motion to lay on the table was lost.

Mr. Estill moved to indefinitely postpone the bills, which was decided in the negative by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Keene,  
McKibben,

Messrs. Miller,  
Soule,  
Sprague,  
Warner—8.

## NAYS.

Messrs. Broderick,  
Fry,  
Lewis,  
Lind,  
Lott,  
Ralston,

Messrs. Roach,  
Robinson,  
Snyder,  
Van Buren,  
Walton—11.

Mr. Ralston moved to amend the Assembly bill as follows :

After "1851," in the first section, strike out "is," and insert—"And the Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, are"

Mr. Lewis rose to a point of order, which he stated as follows :

That the bill under consideration, with the amendment proposed, embraces two distinct objects : the repeal of two distinct laws, which is in violation of Section twenty-fifth, of the fourth Article of the Constitution. And that the amendment embraces the object of a bill which passed the Senate some days since and was defeated in the Assembly, and cannot therefore be waived in any way, unless by the five days' previous notice required by the Joint Rules of the two Houses.

The chair ruled the amendment to be in order.

Mr. Lewis appealed from this decision, and on the question—"Shall the decision of the chair stand as the judgment of the Senate?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Broderick,  
Estill,  
Fry,  
Lind,  
Lott,

Messrs. Ralston,  
Robinson,  
Van Buren,  
Walton—9.

## NAYS.

Messrs. Keene,  
Lewis,  
McKibben,  
Miller,

Messrs. Roach,  
Snyder,  
Soule—7.

The question then recurring on the amendment of Mr. Ralston, the ayes and nays were demanded with the following result :

## AYES.

Messrs. Broderick,  
Denver,  
Estill,

Messrs. Ralston,  
Robinson,  
Sprague,



Messrs. Fry,  
Lind,  
Lott,

Messrs. Van Buren,  
Walton—11.

## NAYS.

Messrs. Keene,  
Lewis,  
McKibben,  
Miller,

Messrs. Roach,  
Snyder,  
Soule,  
Warner—8.

So the amendment was adopted.

Mr. Estill then moved to lay the bill upon the table, which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Lewis,  
Miller,

Messrs. Roach,  
Snyder,  
Soule,  
Sprague,  
Walton,  
Warner—12.

## NAYS.

Messrs. Broderick,  
Lind,  
Lott,  
McKibben,

Messrs. Ralston,  
Robinson,  
Van Buren—7.

Mr. Warner gave notice that he would, on to-morrow, move a reconsideration of the vote on the passage of Assembly bill for "an Act to incorporate the town of Oakland."

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act providing for the erection of a State Prison," and "an Act to grant the right of way to the United States for Railroad purposes."

The report was adopted.

A message was received, informing the Senate that the Assembly this day refused to recede from its amendment for "an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers," and appointed Messrs. Hinchman, Coffroth and Tucker as a Committee of Conference.

And that the Assembly this day refused to recede from its amendments to Senate bill for "an Act concerning Common Schools," and appointed Messrs. Boggs, Crabb, Peachy, Brush and Orrick a Committee of Conference.

The consideration of the special order of the evening, being the resolution prescribing the mode of determining the terms of Senators, was then resumed.

Mr. Van Buren moved to rescind the resolution offered by Mr. Sprague upon this subject, which was carried by the following vote :

## AYES.

Messrs. Broderick,  
Lewis,  
Lind,  
McKibben,  
Roach,

Messrs. Soule,  
Van Buren,  
Walton,  
Warner—9.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Keene,

Messrs. Lott,  
Ralston,  
Sprague—7.

The resolution introduced by Mr. Van Buren, upon the mode of determining the terms of Senators, was then taken under consideration, and, after some discussion, it was withdrawn by him, leave being granted.

The whole subject was then laid upon the table.

Mr. Estill, from the Select Committee, reported back Senate bill for "an Act for the Inspection of Flour," with an amendment, and recommended its passage.

The report was accepted and the bill laid upon the table, and made the special order for to-morrow at 12 o'clock.

Mr. Van Buren, on leave, introduced a bill for "an Act to amend an Act to provide for the payment of the salaries of officers monthly," passed April 1st, 1852, which was read the first and second time—the rules suspended, it was read a third time and passed.

On motion of Mr. Walton, Senate bill for "an Act to appoint Commissioners to ascertain and report the amount of damages sustained by reason of the removal of the archives and Legislature from Vallejo, and to cancel the bond of M. G. Vallejo and others," was taken from the table, when, on motion of Mr. Broderick, the Senate adjourned at 11, P. M.

SAMUEL PURDY,  
President of the Senate.

Attest,  
A. C. BRADFORD, Secretary.

## IN SENATE.

SATURDAY, May 1, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Friday was read and approved.

Mr. Van Buren, from the Committee on Mines and Mining Interests, reported back Assembly Joint Resolutions in respect to Mineral Lands," for the consideration of the Senate.

The report was accepted and the resolutions laid upon the table.

Mr. McKibben, from the Select Committee, reported back Assembly bill for "an Act to fund the debt of Yuba County, and provide for the payment thereof," and recommended its passage.

The report was accepted and the bill read a third time and passed.

Mr. Ralston, from the Joint Committee on the disagreeing vote of the two Houses, on Senate bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," submitted a report which was concurred in by the Senate. (See appendix 41.)

Mr. Keene, from the Committee on Contingent Expenses, reported as correct, the account of Green and Grummon for \$154.50.

The report was accepted and the account ordered paid.

Mr. Broderick moved that the Senators now proceed to draw for terms.

Agreed to.

Mr. Denver submitted the following resolution which was adopted ;

*Resolved*, That the Senators from the Sixth, Ninth, and Twelfth Senatorial Districts, shall first determine among themselves, which of them shall hold the long and which the short term, (the two from each district drawing against each other,) and when that has been done, the Senators from the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Twentieth, Twenty-first, and Twenty-second Districts, shall by lot determine which three of them shall go out of office, at the end of this year, and in every case where there is a vacancy, or where the member is absent, or refuses to draw, and comply with the provisions of this resolution, then the President of the Senate shall draw for him.

Mr. Soule, from the Sixth District, declined taking any part in the drawing for terms, and stated that he had no objection to his colleague, Mr. Snyder, holding the two years term, as they had previously determined it.

Mr. Van Buren stated that the terms of Senators from the Ninth District, had been settled as follows : Mr. Hubbs had drawn the term of two years, and the seat now vacant by the resignation of Mr. Anderson, had drawn the term of one year.

Mr. Walton, from the Twelfth District, stated that the terms of Senators from that District had been settled as follows : Mr. Keene had drawn the term of two years, and himself the one year term.

Mr. Fry moved that the Senators from the single Districts, now proceed to draw for terms, which was agreed to.

Nine ballots were then placed in a box, on which was written "Two

years," and on three, "One year;" the Senators then proceeded to draw with the following result:

Mr. Fry, Thirteenth District, drew one year;

"Keyser, Fourteenth District, drew one year;

"McKibben, Fifteenth District, drew two years;

"Walsh, Sixteenth District, (by the President of the Senate,) drew one year;

"Lott, Seventeenth District, drew two years;

"Sprague, Eighteenth District, drew two years;

"Estill, Twentieth District, drew two years;

"Wambough, Twenty-first District, (by the President of the Senate,) drew two years;

"Denver, Twenty-second District, drew two years.

Mr. McKibben, from the Select Committee, reported back the bill for "an Act to divide the County of Colusi," and it was laid upon the table.

Mr. Robinson, from the Committee on State Hospitals, reported back the bill for "an Act to provide for the Indigent Sick, in the Counties of Shasta and Siskiyou," with an amendment.

The report was accepted and the bill laid upon the table.

Mr. Broderick, on leave, introduced a bill for "an Act concerning the place of holding the sessions of the Supreme Court," which was read a first and second time; the rules suspended, it was then read a third time and passed.

Mr. Estill, from the Committee of Conference on the disagreeing vote of the two Houses, on Senate bill for "an Act concerning Common Schools," submitted the following report:

The Committee of Conference, upon the disagreeing vote between the two Houses, to Senate bill for an Act concerning Common Schools, make the following report:

The Committee recommend that the two Houses shall pass in a separate bill, the Senate bill for an Act concerning Common Schools, by striking out the first article thereof, except the second section of said article, and said second section shall constitute the first article of the bill. The bill to take effect from its passage, and the title to be "an Act to establish a system of Common Schools."

The Committee also recommend that the two Houses shall pass in a separate bill "the provisions contained in the amendment, in relation to the disposal of the 500,000 acres, which was inserted by the Assembly in lieu of the first article of the Senate bill. The said Act to take effect on the first day of June, 1852, and the title to be "an Act to provide for the disposal of the 500,000 acres of land, granted to the State by Act of Congress," and the Joint Committee of Enrollments be instructed to have the said two Acts enrolled in conformity with this report.

J. M. ESTILL, } *Committee*  
JOHN WALTON, } *of the Senate.*

L. W. BOGGS, }  
B. ORRICK, } *Committee*  
HENRY A. CRABB, } *of the*  
A. C. PEACHY, } *Assembly.*  
JESSE BRUSH, }



The report was concurred in by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
McKibben,  
Miller,  
Sprague,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Hubbs,  
Lind,  
Ralston,  
Roach,

Messrs. Snyder,  
Soule,  
Van Buren,  
Warner—9.

The bill for "an Act to establish a system of Common Schools," as altered on the recommendation of the Committee, was then passed by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,  
Lott,

Messrs. McKibben,  
Miller,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Sprague,  
Van Buren,  
Walton,  
Warner—20.

## NAYS—NONE.

On motion of Mr. Keene, the bill for "an Act to provide for the disposal of the 500,000 acres of land granted to this State by Act of Congress," as altered on the recommendation of the Committee, was taken from the table.

Mr. Broderick moved to indefinitely postpone the bill, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Hubbs,  
Lind,  
Ralston,

Messrs. Roach,  
Soule,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Robinson,  
Snyder,  
Sprague,  
Walton—13.

Mr. Hubbs submitted an amendment which was adopted.

Mr. Ralston moved to strike out the word "now," where it occurs in the proviso, and insert "at the time of such survey," which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Fry,  
Hubbs,  
Keyser,  
Lind,

Messrs. Lott,  
Ralston,  
Soule,  
Sprague,  
Van Buren,  
Warner—12.

## NAYS.

Messrs. Estill,  
Keene,

Messrs. Robinson,  
Walton—4.

The bill, as amended, was then read a third time, and on the question—"Shall the bill now be passed?" the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Robinson,  
Snyder,  
Sprague,  
Walton—13.

## NAYS.

Messrs. Broderick,  
Hubbs,  
Lind,  
Ralston,

Messrs. Roach,  
Soule,  
Van Buren,  
Warner—8.

So the bill was passed.

On motion of Mr. Soule, Messrs. Hubbs and Roach were added to the Committee on Enrolled Bills.

Mr. Fry, on leave, introduced a bill for "an Act to declare San Antonio Creek navigable," which was read a first and second time and laid on the table.

Mr. Estill, from the Committee on Indian Affairs, reported back the claim of B. C. Saunders, and recommended that it be paid.

The report was accepted.

Mr. Soule, on leave, introduced a bill for "an Act for the relief of B. C. Saunders," which was read a first and second time and laid on the table.

On motion of Mr. Van Buren, the Concurrent Resolution to appoint John A. Reed, P. B. Cornwall, Harvey Houghton, and Daniel J. Lisle, Trustees of the Sacramento State Hospital, was taken up, and passed by the following vote :

#### AYES.

Messrs. Broderick,  
Hubbs,  
Keyser,  
Lewis,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Van Buren,  
Warner—14.

#### NAYS.

Messrs. Estill,  
Fry,

Mr. Keene—3.

A message was received from the Governor informing the Senate that he this day approved the following Acts and Resolutions :

An Act entitled "an Act to grant the right of way to the United States for Rail Road purposes."

"An Act to authorize and require the Comptroller to draw Warrants in favor R. N. Wood, J. C. Tucker, and S. A. McMeans."

"An Act to repeal an Act entitled an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary office furniture, for their respective offices," passed February 9th, 1850.

"An Act providing a Fund for the use of the State Library."

And "Joint Resolution on the subject of the proposed overland Rail Way from the Mississippi or Missouri River, to Pacific Ocean."

A message was received informing the Senate that the Assembly passed, yesterday, "an Act to create a Board of Supervisors for the County of San Diego, and to define their duties."

"An Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons," passed May 1st, 1850, with an amendment as therein shown.

"An Act concerning Jurors," with amendments.

A substitute for Senate bill for "an Act concerning the salaries of officers and pay of members of the Legislature."

And receded from that portion of its amendment, in which the Senate refused to concur, to Senate bill for "an Act to fund the debt of the County of Calaveras, and provide for the payment thereof."

And passed, this day, "an Act to authorize the Governor to appoint Commissioners to survey and define the boundaries of Sacramento City."

"An Act to amend an Act concerning Corporations," passed April 22d, 1850.

"An Act for the relief of Frank Maynard."

"Concurrent Resolution for the relief of Thomas L. Smith."

"An Act in relation to actions whenever the State is a party."

And Senate bills "an Act authorizing the Governor of the State of California, to procure a block of California Marble, to be forwarded to the Washington Monument Society."

"An Act defining the duties of the Clerk of the Superior Court of the City of San Francisco."

And refused to concur in the Senate amendments to Assembly bill for "an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties."

And also passed a bill for "an Act appropriating moneys to meet the contingent expenses of Government."

"An Act to repeal the charter of the City of Sonoma."

And concurred in the report of the Conference Committee, on the disagreeing vote of the Houses upon Senate bill for "an Act Concerning Common Schools."

Assembly bill for "an Act to repeal the charter of the City of Sonoma," was read a first and second time and referred to the Committee on Corporations.

Assembly bill for "an Act in relation to actions whenever the State is a party," was read a first and second time and referred to the Judiciary Committee.

Assembly Concurrent Resolution for the relief of Thomas L. Smith, was read and passed.

Assembly bill for "an Act for the relief of Frank Maynard," was read a first and second time and referred to the Committee on Claims.

Assembly bill for "an Act to authorize the Governor to appoint Commissioners, to survey and define the boundaries of Sacramento City," was read a first and second time and referred to the Sacramento delegation.

On motion of Mr. Estill, the Senate receded from its amendments to Assembly bill for "an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25, 1851.

Senate bill for "an Act concerning Jurors," as amended by the Assembly, was taken up and the amendments concurred in.

Assembly bill, substitute for Senate bill, for "an Act concerning the salaries of officers and pay of members of the Legislature," was taken up and referred to a Select Committee of five.

Messrs. Robinson, Van Buren, Ralston, Soule, and Lewis, were appointed as the Committee.

Mr. Warner, on leave, introduced a bill for "an Act to provide for the



publication of the laws in the Spanish language," which was read a first and second time and referred to the Committee on Public Printing.

A message was received informing the Senate that the Assembly this day concurred in the report of the Committee of Conference on the disagreeing vote of the two Houses, upon Senate bill for "an Act to create a Board of Supervisors and to define their duties."

On motion of Mr. Keyser, the Senate as in Committee of the Whole, took under consideration the bill for "an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April 29, 1851, and having considered the same, reported it back to the Senate, with amendments, which were concurred in; it was then considered, engrossed, read a third time and passed.

Mr. Hubbs, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to fund the indebtedness of the State, which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. bonds."

The report was adopted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for "an Act concerning the office of Port Warden, and defining the duties thereof."

The report was adopted.

On motion, the Senate took a recess until 8 o'clock P. M.

## EVENING SESSION.

Senate re-assembled at 8 o'clock.

President in the chair.

On motion of Mr. Estill, the bill for "an Act to provide for the inspection of flour," was taken from the table, amended, read a third time, and on the question—"Shall the bill now be passed?" it was decided in the affirmative by the following vote:

### AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
Miller,  
Robinson,  
Snyder,  
Sprague—12.

### NAYS.

Messrs. Broderick,  
McKibben,

Messrs. Roach,  
Warner—4.

Mr. Broderick, from the Select Committee, reported back the bill for "an Act concerning Licenses," with amendments, which were concurred in, and the bill, as amended, was read a third time and passed.

Mr. Van Buren moved that a Committee of Conference be appointed to

consist of five members, to act with a similar Committee on the part of the Assembly, on the disagreeing vote of the two Houses, on Senate bill for "an Act establishing a system of Common Schools," which was agreed to; and the chair announced as the Committee, Messrs. Van Buren, Soule, Warner, Robinson, and Hubbs.

Messrs. Robinson and Ralston, to whom had been referred the petition of C. E. Pickett, submitted the following report, with a bill for the relief of C. E. Pickett:

*Mr. President:*

The Committee, to which was referred the claim of C. E. Pickett, have examined the accounts and vouchers in relation thereto, and they recommend the passage of an Act for his relief. The evidence before the Committee, establishes the fact that the amount claimed was paid by Mr. Pickett, for the relief of the sick and distressed immigrants who crossed the plains in 1849-50.

This gentleman is now greatly in want of the funds which he liberally advanced for the succor of his distressed countrymen. He was then in prosperous circumstances, but a reverse of fortune has fallen upon him.

H. E. ROBINSON,  
J. H. RALSTON.

The report was accepted and the bill laid upon the table.

On motion of Mr. Lott, Assembly bill for an Act for the relief of Craycroft and Company, Delmas, Garnisett and Company, and others," was taken from the table, read a third time, and passed by the following vote:

AYES.

Messrs. Broderick,  
Denver,  
Estill,  
Fry,  
Keene,  
Lewis,

Messrs. Lind,  
Lott,  
McKibben,  
Miller,  
Van Buren—11.

NAYS.

Messrs. Hubbs,  
Roach,  
Snyder,

Messrs. Sprague,  
Walton,  
Warner—6.

A message was received informing the Senate that the Assembly had appointed Messrs. Peachy, Crabb, Crittenden, and Hinchman, a Committee of Conference on the disagreeing vote of the two Houses, on Senate bill for "an Act concerning escheated estates."

Mr. Lott, from the Committee on Printing, reported back Senate bill for "an Act to provide for the publication of the laws in the Spanish language,"

with an amendment, which was concurred in, and the bill, as amended, read a third time and passed.

On motion of Mr. Van Buren, Assembly bill for "an Act to repeal the third section of an Act concerning County Recorders," passed March 26, 1851, and to amend the fifteenth section of the same Act," was taken from the table, read a third time and passed.

Mr. Miller, from the Committee on State Prisons, reported back Senate bill for "an Act to provide for the payment of State Prison Inspectors," and recommended its passage.

The bill was read a third time and passed.

A message was received from the Governor informing the Senate that he had this day approved "an Act providing for the erection of a State Prison."

Also, an Act entitled "an Act to fund the indebtedness of the State, which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. bonds."

A message was received informing the Senate that the Assembly, passed this day, Senate bill for "an Act to enumerate the inhabitants of the State of California," with amendments.

And "an Act prescribing the time of payment of the salaries of officers of State," passed April 1st, 1852.

The bill for "an Act to enumerate the inhabitants of the State of California," as amended by the Assembly, was then taken under consideration.

Mr. Broderick moved to amend Assembly amendment, by striking out \$16, per day, the amount allowed to persons taking the census, and insert \$10, which was agreed to by the following vote :

#### AYES.

Messrs. Broderick,  
Fry,  
Lott,  
Miller,  
Roach,

Messrs. Robinson,  
Snyder,  
Soule,  
Van Buren,  
Warner—10.

#### NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,

Messrs. Keyser,  
McKibben,  
Sprague,  
Walton—8.

Mr. Warner, offered an amendment to Assembly amendment to section twelfth, as follows : *Provided, the amount paid for each County shall not exceed the sum of nine hundred dollars*, which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Denver,  
Fry,  
Hubbs,  
Lott,  
Miller,

Messrs. Ralston,  
Roach,  
Robinson,  
Soule,  
Sprague,  
Warner—12.

## NAYS.

Messrs. Estill,  
Keene,  
Snyder,

Messrs. Van Buren,  
Walton—5.

Assembly amendment to section twelfth, providing that the expenses of taking the census of this State, shall be paid out of the State Treasury, was concurred in by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lott,  
Snyder,  
Sprague,  
Walton—9.

## NAYS.

Messrs. Broderick,  
Ralston,  
Roach,  
Robinson,

Messrs. Soule,  
Van Buren,  
Warner—7.

The remainder of the Assembly amendments were concurred in.

A message was received informing the Senate that the Assembly this day concurred in Senate amendments to Assembly bill for an Act to provide for the disposal of the 500,000 acres of land granted to this State, by Act of Congress.

And passed "an Act for the relief of Mrs. Jane Woodland."

"An Act concerning the Printing of the reports of the Supreme Court of the State of California."

And concurred in Senate amendments to the bill for "an Act to establish a system of Common Schools," by striking out from said bill that portion which refers to the School Lands in article first, from section first to section sixteen, inclusive; and refused to recede from its amendment to article second, which appoints the Governor, Superintendent of Public Instruction, and the Surveyor General, a Board of School Commissioners, and appointed Messrs. McMullen, Crabb, Merritt, Boggs, and Ingersoll, as a Committee of Conference.

Mr. Soule, from the Joint Committee on Enrollments, reported as cor-



rectly enrolled "an Act entitled an Act prescribing the time of payment of the salaries of officers of State," passed April 1st, 1852.

And "an Act to provide for the disposal of the 500,000 acres of land, granted to this State by Act of Congress."

The report was adopted.

Mr. Robinson, from the Select Committee to whom had been referred Senate and Assembly bills concerning the salaries of officers and pay of members of the Legislature, reported them back, with the recommendation that the Senate insist upon the passage of the Senate bill, and that a Committee of Conference be appointed on the disagreeing votes of the two Houses.

The report was adopted, and the chair appointed, as the Committee, on the part of the Senate, Messrs. Robinson, McKibben, Miller, Soule and Walton.

Mr. Van Buren submitted the following report :

*Mr. President :*

The Joint Committee of Conference appointed, on the disagreeing votes of the two Houses on the Senate bill, entitled a bill for establishing a system of Common Schools, have had the same under consideration and have agreed the Senate concur, in the amendment of the Assembly.

THOMAS B. VAN BUREN,

Chairman of the Select Committee.

The report was adopted.

Assembly bill for "an Act concerning the Printing of the Reports of the Supreme Court of the State of California," was read a first and second time and referred to Committee on Public Printing.

Assembly bill for "an Act for the relief of Mrs. Jane Woodland," was read a first and second time and referred to the Committee on Claims.

Mr. Estill, from the Select Committee to whom had been referred Assembly bill for "an Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State," submitted a minority report, recommending the passage of the bill.

The report was accepted and the bill laid on the table.

Assembly bill for "an Act appropriating moneys to meet the contingent expenses of Government," was read a first and second time and referred to the Committee on Finance.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed "an Act to provide for the Inspection of Flour," and the report was adopted.

A message was received, informing the Senate that the Assembly passed this day "an Act for the relief of J. C. Smith."

The bill was read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Walton, the Senate, as in Committee of the Whole, took under consideration the bill for "an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa,

second El Dorado, Utah, Los Angeles and Monterey expeditions against the Indians," and having considered the same, reported it back, with amendments, which were concurred in.

Mr. Lewis moved to amend the second section, by inserting after the words "Klamath and Trinity," the words "Bear River," which was lost.

Mr. Warner moved to amend the second section, by inserting after "Monterey" the words "San Diego," which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Roach,

Messrs. Van Buren,  
Warner—4.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Miller,  
Ralston,  
Soule,  
Sprague,  
Walton—12.

Mr. Ralston submitted the following as an amendment to the bill :

The Board of Auditors, in the adjustment, liquidation and allowance of accounts, under this Act, shall be governed by the rules of law, so far as the law has established rules applicable to such cases, and in cases in which the law has established no rules applicable, then the Board shall be governed by "the Army Regulations" of the United States Army. And no claims or demands shall be allowed, paid or audited, except such as may be proved and established, in pursuance of the law or the rules established in the Army Regulations aforesaid.

The Board of Auditors shall report to the Legislature, at the commencement of the next regular session thereof, an abstract of all claims allowed by them under this Act, together with all vouchers, and the evidence produced before them on each claim.

They shall also report, as aforesaid, an abstract of all claims presented to them and by them disallowed, including the evidences produced in support of each claim, together with the reasons inducing the Board to reject them.

The amendment was lost by the following vote :

## AYES.

Messrs. Broderick,  
McKibben,  
Ralston,

Messrs. Soule,  
Sprague,  
Warner—6.

## NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lewis,  
Lott,  
Miller,  
Van Buren,  
Walton—10.

The bill was then read a third time, and on the question—" Shall the bill now be passed?" the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Miller,  
Ralston,  
Sprague,  
Van Buren,  
Walton—12.

## NAYS.

Messrs. Broderick,  
McKibben,  
Roach,

Messrs. Soule,  
Warner—5.

So the bill was passed.

On the question—" Shall the title stand?" Mr. Walton moved to amend by inserting after " Los Angeles," the words " Clear Lake, Klamath and Trinity," which was agreed to.

Mr. Ralston gave notice that he would, on Monday, move to re-consider the vote on the passage of the bill.

Mr. Walton moved that the vote on the passage of the bill be now re-considered.

Mr. Sprague moved to indefinitely postpone the motion to re-consider, which was agreed to by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Miller,  
Sprague,  
Van Buren,  
Walton,  
Warner—12.

## NAYS.

Messrs. Broderick,  
McKibben,

Messrs. Ralston,  
Roach—4.

Mr. Soule, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to Incorporate the Town of Oakland and to provide for the construction of Wharves thereat."

The report was adopted.

Mr. Broderick, from the Select Committee, reported back Assembly bill for "an Act to fund the County debt of San Francisco County," with amendments, which were concurred in, and the bill, as amended, read a third time and passed.

A message was received, informing the Senate that the Assembly this day appointed Messrs. Coffroth, Crabb, Fowler, Law and Harazthy as a Committee of Conference on the disagreeing votes of the two Houses, upon the salary bills.

Mr. Hubbs gave notice that he would on Monday introduce a resolution rescinding the concurrent resolution, fixing the day of adjournment.

A message was received from the Governor, informing the Senate that he had this day approved "an Act prescribing the time of payment of the salaries of officers of State," passed April 1st, 1852.

A message was received, informing the Senate that the Assembly this day passed "an Act to ratify and confirm an ordinance passed by the City of San Francisco, authorizing A. D. Merrifield to introduce water into said city."

The bill was read a first and second time and referred to the San Francisco delegation.

Mr. Lott moved to adjourn, which was lost by the following vote :

# AYES.

Messrs. Broderick,  
Lott,  
Ralston,

Messrs. Van Buren,  
Warner—5.

# NAYS.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Lewis,  
Miller,  
Roach,  
Soule,  
Sprague—10.

Mr. Keene, from the Select Committee, reported back Assembly bill for "an Act concerning the possessory right to Quartz Mines," and recommended its passage.

The bill was made the special order for Monday next, at 12 o'clock.

On motion of Mr. Fry, the bill for an Act to declare San Antonio Creek navigable, was taken from the table, read a third time and passed.

Mr. Warner, on leave, introduced a bill for "an Act explanatory of the third section of 'an Act to incorporate the Town of Oakland and to provide for the construction of wharves thereat,'" which was read a first and second time—the rules suspended, it was read a third time and passed.

On motion of Mr. Van Buren, Assembly bill for "an Act defining the



time of commencing civil actions in certain cases," was taken from the table.

No quorum being present, on motion, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

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## IN SENATE.

MONDAY, May 3, 1852.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of Saturday was read and approved.

Mr. Ralston, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers."

Mr. Hubbs, from the same Committee, reported as correctly enrolled, "an Act defining the duties of the Clerk of the Superior Court of the City of San Francisco ;"

"An Act authorizing the Governor of the State of California to procure a block of California Marble, to forward to the Washington Monument Society ;"

"An Act to regulate the settlement of the estates of deceased persons ;"

"An Act to create a Board of Supervisors for the County of San Diego, and to define their duties ;" and

"An Act to fund the debt of the County of Calaveras, and provide for the payment thereof."

The report was adopted.

Mr. Keyser, from the Judiciary Committee, reported back for the consideration of the Senate, "an Act concerning free persons of color."

The report was accepted.

Mr. Fry, from Committee on Contingent Expenses, reported the account of R. D. Cary for \$24, as correct, and it was ordered paid.

Mr. Sprague, from the Judiciary Committee, reported "an Act in relation to actions whenever the State is a party," recommending its passage.

The report was accepted, and the bill read a third time and passed.

Mr. Estill, from the Committee on Indian Affairs, reported back the bill for "an Act for the government of Indians," which was laid upon the table.

Mr. Keene, from the Judiciary Committee, reported back for the consideration of the Senate, Assembly bill entitled "an Act for the relief of J. C. Smith."

The report was accepted and laid on the table.

Mr. McKibben, from the Select Committee, reported back Assembly bill for "an Act to authorize John Craycroft and Company to construct a wagon road from Utah Territory to the Sacramento Valley, via. Downieville, Sierra County, and to regulate the tolls to be collected on the same," recommending its passage.

The report was accepted and laid on the table.

Mr. Lind reported back concurrent resolution authorizing J. S. Graham to withdraw certain papers from the last Legislature's unfinished business, recommending its passage.

The report was accepted and laid on the table.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

"An Act concerning passengers arriving in ports of the State of California;"

"An Act to amend the twenty-fourth and twenty-seventh sections of 'an Act dividing the State into Counties and establishing Seats of Justice therein;' " also,

"An Act to amend the twenty-second section of 'an Act to create a State Hospital in the City of Stockton;' " also,

"An Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State, and to provide for their support;" also,

"An Act to amend the one hundred and eighty-second section of 'an Act concerning corporations;' " also,

"An Act to amend the eighteenth section of an Act entitled 'an Act dividing the State into Counties and establishing the Seats of Justice therein;' " also,

"An Act amendatory of the twentieth section of 'an Act dividing the State into Counties and establishing the Seats of Justice therein;' " also,

"A Concurrent Resolution for the relief of Thomas L. Smith;" also,

"An Act for the relief of the Emigrants travelling over land to California;" also,

"An Act to amend 'an Act to provide a revenue for the State Marine Hospital at San Francisco,' approved April 30th, 1851;" also,

"An Act to legalize the acts of the Court of Sessions of Napa County;" also,

"An Act amendatory of an Act entitled 'an Act to create a State Hospital at Sacramento City;' " also,

"An Act to fund the debt of the County of Yuba, and to provide for the payment thereof;" also,

"An Act for the relief of John Craycroft and Company, Delmas, Garnaset and Company, Van Reed, Tolman and McDuffee;" also,

"An Act to repeal the third section of an Act concerning County Records, and to amend the fifteenth section of said Act;" also,

"An Act concerning Jurors;"

"An Act to prevent certain public nuisances;"

"An Act to authorize William Moody and Morgan Hart to build a wharf in the County of Solano;"

"An Act to grant the right of way to the United States for railroad purposes;"



to wait upon the Governor and know of him if he had any further communications to make to the Legislature; which was read and laid upon the table by the following vote:

## AYES.

Messrs. Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
Miller,  
Robinson,  
Sprague,  
Van Buren,  
Warner—12.

## NAYS.

Messrs. Broderick,  
Cooke,

Mr. Ralston—3.

The following resolution, introduced by Mr. Van Buren, was adopted:

*Resolved*, That the testimony taken before the Committee on Commerce and Navigation, the Committee on Elections, and the Committee on Indian Affairs, and the testimony and evidence taken by the Senate upon Water Lot Bills, in Committee of the Whole, shall be filed in the office of the Secretary of State, and shall not be entered or published in the Journals of the Senate.

Mr. Hubbs, from the Finance Committee, reported back "an Act appropriating money for the contingent expenses of Government," and recommended the passage of the bill.

The report was accepted and laid upon the table.

On motion of Mr. Van Buren, the bill for "an Act defining the time of commencing civil actions in certain cases," was read a third time, and on the question—"Shall the bill be now passed?" it was decided in the affirmative by the following vote:

## AYES.

Messrs. Denver,  
Hubbs,  
Keene,  
Keyser,  
Miller,  
Robinson,

Messrs. Snyder,  
Soule,  
Sprague,  
Van Buren,  
Walton,  
Warner—12.

## NAYS.

Messrs. Cooke,  
Lewis,  
Lind,

Messrs. Lott,  
Ralston—5.



A message was received, informing the Senate that the Assembly this day passed a substitute for Senate Concurrent Resolution to elect Trustees of Sacramento State Hospital," and Assembly bill entitled "an Act to authorize the extension of Market street Wharf in the city of San Francisco."

Assembly bill entitled "an Act to authorize the extension of Market street Wharf in the city of San Francisco," was read a first and second time and referred to the Committee on Commerce and Navigation.

Mr. Ralston reported back Assembly bill for "an Act to repeal the Charter of the city of Sonoma," recommending its indefinite postponement.

The report was adopted and the bill indefinitely postponed.

Mr. Robinson, on leave, introduced a bill for "an Act to authorize the Mayor and Common Council of the city of Sacramento to contract for supplying the city with water," which was read a first and second time; the rules suspended, it was read a third time and passed.

A message was received, informing the Senate that the Assembly this day concurred in Senate amendments to Assembly bill for the payment of the Volunteers engaged in the Indian Wars.

And refused to concur in Senate amendments to Assembly bill in reference to funding the debt of San Francisco, and appointed Messrs. Coffroth, Wohler, Chauncey and Paxton a Committee of Conference.

And passed Senate bill for an Act for the relief of N. Hazleton, N. A. Holley and Lawrence McMahon.

And Senate bill for "an Act to declare San Antonio Creek navigable."

Mr. Broderick moved that a Committee of Conference be appointed on the disagreeing vote of the two Houses, upon Assembly bill to fund the debt of San Francisco, which was agreed to—and the chair appointed Messrs. Broderick, Van Buren, Estill and Soule as the Committee.

Mr. Broderick, from the Select Committee, reported back Assembly bill entitled "an Act to ratify and confirm an ordinance passed by the city of San Francisco, authorizing A. D. Merrifield to introduce Water into said city," and recommended its passage.

The bill was read a third time and passed.

A message was received, informing the Senate that the Assembly this day passed Senate bill for an Act to amend an Act entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April 29th, 1851, and amended the same as therein shown.

Also, Senate bill "an Act entitled an Act to provide a map for the State of California," and amended the same as therein shown.

Assembly amendments to Senate bill entitled "an Act to provide for a Map of the State of California," were concurred in.

The Senate refused to concur in Assembly amendments to the bill for "an Act to amend the Act entitled 'an Act to regulate proceedings in civil cases in the Courts of Justice of this State,' passed April 29th, 1851.

On motion of Mr. Keene, "an Act concerning possessory right to Quartz Mines," was taken up, when, on motion of Mr. Hubbs, the bill was referred to a Select Committee of five.

Messrs. Hubbs, Keene, Estill, Broderick and Lewis were announced as the Committee.

Mr. Walton reported back the petition of Benjamin G. Wier and others, and asked to be discharged from further consideration of the same, and it was so ordered.

Mr. Walton, from Conference Committee on the disagreeing vote in relation to "an Act to provide for the construction of Telegraph lines within the State of California," made a report, which was concurred in by ayes and nays as follows:

## AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,

Messrs. McKibben,  
Miller,  
Robinson,  
Soule,  
Van Buren,  
Walton,  
Warner—14.

## NAYS.

Messrs. Broderick,  
Lewis,  
Lind,  
Lott,

Messrs. Ralston,  
Snyder,  
Sprague—7.

On motion of Mr. Sprague, the bill for "an Act to provide for the indigent sick in the Counties of Shasta, El Dorado and Siskiyou," was taken from the table, and after some discussion, on motion of Mr. Van Buren, it was laid on the table by the following vote:

## AYES.

Messrs. Broderick,  
Cooke,  
Estill,  
Keyser,  
Lind,  
Lott,

Messrs. McKibben,  
Ralston,  
Robinson,  
Snyder,  
Van Buren—11.

## NAYS.

Messrs. Fry,  
Hubbs,  
Keene,  
Lewis,

Messrs. Miller,  
Sprague,  
Walton,  
Warner—8.

A message was received from the Governor, informing the Senate that he this day approved—

"An Act to authorize William Moody and Morgan Hart to build a Wharf in the County of Solano."

"An Act concerning Jurors."

"An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers."

"An Act to create a Board of Supervisors for the County of San Diego, and to define their duties."

"An Act authorizing the Governor of the State of California to procure a block of California marble to be forwarded to the Washington Monument Society."

"An Act defining all duties of the Clerk of the Superior Court of the city of San Francisco."

"An Act amendatory of an Act to regulate the settlement of the estates of deceased persons," passed May 1st, 1851.

"An Act to fund the debt of the County of Calaveras, and provide for the payment thereof."

"An Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851.

The following report, submitted by Mr. Walton, was then taken up :

*Mr. President :—*

The Conference Committee, to whom was referred a bill entitled "an Act concerning the salaries of officers, and pay of members of the Legislature," have carefully considered the same and respectfully recommend that the Assembly bill be passed with the following amendments :

In Section first, strike out after the word "Governor," the word "seven," and insert "ten."

Strike out after "Secretary of State," the words "three thousand," and insert "three thousand five hundred."

After "Treasurer of State," strike out "four thousand," and insert "four thousand five hundred."

Strike out after "Comptroller of State," "four thousand," and insert four thousand five hundred.

After the words "of the Supreme Court," strike out "ten," and insert "eight."

Strike out after "Attorney General," "four," and insert "two."

Strike out after "Surveyor General," "five hundred," and insert "two thousand."

Strike out after "Superintendent of Public Instruction," "four thousand dollars," and insert four thousand five hundred dollars," and "add the Superintendent of Public Buildings, four thousand dollars."

In Section third, strike out all upon the fifth line.

Strike Section sixth, and insert, 'This Act shall take effect from and after its passage, *Provided*, the Superintendent of Public Instruction and Superintendent of Public Buildings, shall receive the salary herein provided for, from the beginning of their term of office.

J. WALTON,

from majority Senate Committee.

Mr. Van Buren, moved that the Senate concur in the foregoing report, which was agreed to by the following vote :

AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Lewis,

Messrs. Lott,  
Miller,  
Roach,  
Snyder,  
Soule,  
Walton—12.

## NAYS.

Messrs. Broderick,  
Fry,  
Lind,  
Ralston,

Messrs. Robinson,  
Sprague,  
Van Buren,  
Warner—8.

The bill, as amended, was read a third time and passed by following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lott,  
Miller,  
Roach,  
Snyder,  
Soule,  
Walton—13.

## NAYS.

Messrs. Broderick,  
Lind,  
Ralston,  
Robinson,

Messrs. Sprague,  
Van Buren,  
Warner—7.

Mr. Walton, on leave, introduced a bill for "an Act to incorporate the town of Oakland, and to provide for the construction of Wharves thereat," which was read a first and second time, amended, the rules suspended, read a third time and passed.

Mr. Fry, reported that the Committee of Conference on the disagreeing vote of the two Houses, upon the bill for "an Act concerning escheated estates," could not agree on a report, and asked that the Committee be discharged, and that another Committee be appointed, which was agreed to, and Messrs. Ralston, Sprague and Cooke, were appointed as such Committee.

Mr. Hubbs, from the Finance Committee, reported back Assembly bill for "an Act appropriating moneys to meet the contingent expenses of Government," with a substitute, which was adopted.

It was then read a first and second time; the rules suspended, read a third time and passed.

Assembly Concurrent Resolution "to elect Trustees to Sacramento State Hospital," was referred to the Committee on State Hospitals.

Mr. Robinson, from said Committee, afterwards reported back the resolution, when the Senate refused to concur, and a Committee of Conference was appointed on the disagreeing votes, consisting of Messrs. Snyder, Soule, and Keene.

On motion of Mr. Broderick, the bill for "an Act to divide the County of Colusi," was taken from the table, read a third time, and on the question—"Shall the bill now be passed?" the ayes and nays were demanded with the following result :



## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,

Messrs. Hubbs,  
Ralston,  
Robinson,  
Sprague—9.

## NAYS.

Messrs. Lewis,  
Lind,  
Lott,  
Miller,

Messrs. Snyder,  
Soule,  
Van Buren,  
Warner—8.

So the bill was passed.

A message was received from the Governor informing the Senate that he had this day approved "an Act to provide for a Map of the State of California," and

"An Act concerning the offices of Comptroller and Treasurer of State."

A message was received informing the Senate that the Assembly passed, on Saturday, Senate bill for "an Act to provide for the inspection of flour."

And that the Assembly this day adopted the report of Committee of Conference, on the disagreeing votes of the two Houses, upon the salary bill."

And that the Assembly this day passed a bill supplemental to an Act entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein."

And passed an Act amendatory of an Act entitled "an Act concerning the Courts of Justice of this State and Judicial Officers," passed March 11th, 1852.

And Senate bill for "an Act for the relief of Nathan Coombs, of the County of Napa."

And appointed Messrs. Crittenden, Merritt, Law, Lyon, and Wood, a Committee of Conference upon the disagreeing votes of the two Houses on the subject of the Telegraph bill.

And passed Senate bill for "an Act to authorize the Mayor and Common Council, of the City of Sacramento, to contract for supplying the City with water," with amendments.

And passed a Concurrent Resolution to elect Trustees of the Stockton State Hospital.

Assembly Concurrent Resolution appointing William A. Root, D. S. Terry, and I. S. Freeborn, as "Trustees of Stockton Hospital," was concurred in by ayes and nays as follows :

## AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,

Messrs. Miller,  
Ralston,  
Soule,  
Sprague,

Messrs. Fry,  
Hubbs,  
Keene,  
Lind,

Messrs. Van Buren,  
Walton,  
Warner—15.

NAYS—NONE.

On motion of Mr. Estill, the Assembly bill "for the relief of Frank Maynard," was taken from the table, read a third time and passed.

A message was received informing the Senate that the Assembly this day concurred in the report of the Committee of Conference, on the disagreeing votes of the two Houses in relation to the Telegraph bill.

Assembly bill entitled "an Act supplemental to an Act entitled an Act dividing the State into Counties and establishing Seats of Justice therein," was read a first and second time; the rules suspended, read a third time and passed by the following vote:

AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Snyder,  
Sprague,  
Walton—15.

NAYS.

Messrs. Soule,  
Van Buren,

Mr. Warner—3.

Assembly bill for "an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers," passed March 11th, 1852, was read a third time and passed.

Assembly amendment to "an Act to authorize the Mayor and Common Council of the City of Sacramento, to contract for supplying the City with water," were, on motion of Mr. Robinson, concurred in.

On motion of Mr. Ralston, "an Act to protect Mining Interests, and to prevent excessive emigration from Asia, to the State of California," was taken from the table.

Mr. Snyder presented a petition, from citizens of San Francisco, in relation thereto, when the bill was laid on the table.

Mr. Van Buren, from Engrossing Committee, reported as correctly engrossed "an Act to incorporate the town of Oakland, and to provide for the construction of Wharves thereat."

The report was adopted.

A message was received informing the Senate that the Assembly insists upon its amendments to Senate bill for "an Act to enumerate the inhabitants of the State of California," and appointed Messrs. Lyons, Blanchard, and Fowler, a Committee of Conference, on the disagreeing votes of the two Houses.

And passed, this day, Senate bill for "an Act concerning the collection of taxes, from vessels trading within the waters of the State of California, and in relation to suits therefor."

Mr. Robinson moved that a Committee of Conference be appointed upon the disagreeing votes of the two Houses, on the bill "to enumerate the inhabitants of the State of California," which was agreed to, and the chair appointed, on the part of the Senate, Messrs. Snyder, Lewis, and Walton.

Mr. Keene presented the claim of L. B. Harknees, for \$22.50, and the claim of D. M. Bemis, \$4.50, as correct, and they were ordered paid.

Mr. Roach, from the Joint Committee on Enrollments, reported as correctly enrolled "an Act for the inspection of flour."

"An Act for the relief of Nathan Coombs, of the County of Napa."

"An Act to provide for the construction of Telegraph lines."

"An Act to authorize the Mayor and Common Council of the City of Sacramento, to contract for the supplying of the City with water."

"An Act to provide for a Map of the State of California."

"An Act to ratify and confirm an Ordinance passed by the City of San Francisco, on the 11th day of June, authorizing Azro D. Merrifield, and his assigns to introduce water into the City of San Francisco."

The report was adopted.

On motion, the Senate took a recess until 7½ o'clock.

## EVENING SESSION.

The Senate re-assembled at 8 o'clock.

President in the chair.

A message was received from the Governor informing the Senate that he, this day, approved

"An Act to declare San Antonio Creek, in the County of Contra Costa, Navigable."

"An Act for the relief of L. Hazelton, N. A. Holley and Company, and Lawrence McMahon."

"An Act concerning passengers arriving in the Ports of the State of California."

"An Act to establish a system of Common Schools."

"An Act to provide for the inspection of flour."

A message was received informing the Senate that the Assembly this day passed Senate bill for "an Act to prevent certain officers from dealing in certain securities or evidences of debt," with amendments.

And that the Assembly concurred in the report of the Conference Committee upon the disagreeing votes of the two Houses, in relation to the election of Trustees of the Sacramento State Hospital, and send herewith the report.

On motion of Mr. Ralston, the Senate concurred in the report of the Committee.

Assembly amendments to a bill for "an Act to prevent certain officers from dealing in certain securities or evidences of debt," were concurred in.

On motion of Mr. Lott, the Assembly bill for "an Act concerning the Printing of the Reports of the Supreme Court of the State of California," was taken from the table.

The bill was amended, read a third time and passed.

A message was received, informing the Senate that the Assembly this day refused to concur in Senate amendments to "an Act appropriating moneys to meet the contingent expenses of Government," and appointed Messrs. Fowler, Wall and Wood as a Committee of Conference.

And passed Senate substitute to Assembly bill for "an Act to amend an Act concerning Corporations," passed April 22d, 1850.

And a Concurrent Resolution, requiring the Governor to issue his proclamation in reference to foreigners working in the mines."

Senate bill concerning the place of holding the sessions of the Supreme Court.

Senate bill for "an Act for the relief of insolvent debtors and protection of creditors," with amendments.

And Senate bill for "an Act amendatory of an Act entitled an Act concerning Corporations," passed April 22d, 1850.

On motion of Mr. Robinson, Assembly amendments to Senate bill for "an Act for the relief of insolvent debtors and protection of creditors," were concurred in.

Mr. Hubbs offered a concurrent resolution to adjourn the Legislature *sine die* on Tuesday, the 4th of May, and to rescind the resolution to adjourn the same on Monday, 3d of May.

Mr. Broderick moved to lay the resolution upon the table. Lost.

Mr. Cooke moved to insert 12 o'clock, M., which was agreed to.

Mr. Broderick moved that the resolution be indefinitely postponed, which was lost by the following vote :

#### AYES.

Messrs. Broderick,  
Cooke,  
Fry,  
Lott,

Messrs. McKibben,  
Ralston,  
Soule,  
Van Buren—8.

#### NAYS.

Messrs. Denver,  
Estill,  
Hubbs,  
Lewis,  
Lind,

Messrs. Miller,  
Roach,  
Robinson,  
Sprague,  
Warner—10.

Mr. Broderick moved to re-consider the vote just taken, which was agreed to by the following vote :

#### AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Miller,  
Robinson,  
Sprague,  
Warner—12.



## NAYS.

Messrs. Broderick,  
Cooke,

Messrs. Ralston,  
Soule—4.

Mr. Broderick moved to lay the whole matter on the table, which was lost by the following vote :

## AYES.

Messrs. Broderick,  
Lott,

Messrs. McKibben,  
Soule—4.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Lewis,

Messrs. Lind,  
Miller,  
Robinson,  
Sprague,  
Warner—11.

Mr. Sprague moved the previous question, which was sustained.

And on the question—" Shall the main question now be put ?" it was decided in the affirmative by the following vote :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Lewis,  
Lind,  
McKibben,

Messrs. Miller,  
Ralston,  
Roach,  
Robinson,  
Sprague,  
Walton,  
Warner—14.

## NAYS.

Messrs. Broderick,  
Cooke,  
Lott,

Messrs. Soule,  
Van Buren—5.

The main question, being the passage of the resolution, was then put, and the ayes and nays were demanded with the following result :

## AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Miller,  
Roach,  
Robinson,  
Sprague,

Messrs. Lewis,  
Lind,  
McKibben,

Messrs. Walton,  
Warner—13.

NAYS.

Messrs. Lott,  
Ralston,

Messrs. Soule,  
Van Buren—4.

So the resolution was passed.

A message was received, informing the Senate that the Assembly passed this day Senate bill for "an Act concerning Licenses," with amendments.

And Senate bill for "an Act supplementary to an Act to fund the debt of the State," passed April 29th, 1851, with amendments.

And Assembly Joint Resolution in regard to Pahutah County.

Mr. Soule submitted the following report :

*Mr. President :*

The Committee of Conference, to whom was referred Assembly Resolution, appointing Trustees to the Sacramento State Hospital, have had the same under consideration, and beg leave to report the following names :— John A. Read, Colonel Forman, Daniel J. Leslie and Dr. Houghton, as substitutes, and respectfully recommend that they be appointed.

FRANK SOULE,  
B. F. KEENE,

The report was concurred in by the following vote :

AYES.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
McKibben,  
Ralston,  
Roach,  
Robinson,  
Soule,  
Van Buren,  
Walton,  
Warner—18.

NAYS—NONE.

Assembly amendments to bill for "an Act concerning Licenses," were concurred in.

Assembly amendments to "an Act supplemental to an Act to fund the debt of the State," passed April 29th, 1851, were concurred in.

Assembly Joint Resolution in regard to Pahutah County, was read a first and second time, and referred to Mr. Keene.

The following report from the Committee on Conference was adopted :

*Mr. President :*

The conference on the bill for an Act concerning Escheated Estates, report that they have agreed to recommend the passage of the bill as it came from the Senate, with the following amendments :

Sec. 2. Twenty-seventh line of second page, after the word "thereof," insert "where the summons is served personally;" and add at the end of the section the words, "when the summons is not personally served, it shall be published once a month, for not less than six months."

MARTIN E. COOKE,  
of Senate Committee.

A. P. CRITTENDEN,  
of Assembly Committee.

A message was received from the Assembly, "calling the attention of the Senate to the fact that the Assembly passed several Joint Resolutions upon the subject of the Mineral Lands and the Mines of California: and that there is in possession of the Assembly a Joint Resolution upon the same subject, passed by the Senate; and that the Assembly has appointed Messrs. Coats, Wood and McConaha a Committee of Conference to take the matter under consideration.

That the Assembly concurred in the report of the Committee of Conference upon a bill for "an Act concerning Escheated Estates," by adopting the Senate bill with the amendments proposed by the Committee.

Assembly bill for "an Act for the repeal of an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California," read a first and second time, and referred to Finance Committee.

Assembly amendments to a bill for "an Act for the protection of Foreigners," &c., were non-concurred in, and a Conference Committee appointed, consisting of Messrs. Broderick, Walton and Lind.

Assembly resolution, "requiring the Governor to issue his proclamation in reference to foreigners working in the mines," was laid on the table.

Mr. Walton moved to take from the table "an Act to appoint Commissioners to ascertain and report the amount of damages sustained by reason of the removal of the archives and Legislature from Vallejo, and to cancel the bond of M. G. Vallejo and others," which was agreed to.

Mr. Broderick moved to indefinitely postpone the bill, which was lost by the following vote :

AYES.

Messrs. Fry,  
Lind,  
McKibben,  
Roach,

Messrs. Soule,  
Sprague,  
Van Buren,  
Warner—8.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Keyser,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Snyder,  
Walton—12.

Mr. Sprague moved to strike out all after the enacting clause, which was lost by the following vote :

## AYES.

Mr. Sprague—1.

## NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Lott,  
Miller,  
Ralston,  
Roach,  
Robinson,  
Snyder,  
Soule,  
Van Buren,  
Walton—19.

Mr. Broderick moved to strike out all after the first section, which was agreed to by the following vote :

## AYES.

Messrs. Broderick,  
Fry,  
Keyser,  
Lewis,  
Lind,  
Roach,

Messrs. Snyder,  
Soule,  
Sprague,  
Van Buren,  
Warner—11.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Walton—10.

Mr. Ralston submitted the following amendment :



*Provided*, said M. G. Vallejo will grant and release to the State the buildings erected, by said Vallejo, as a State House, and for State offices, together with the grounds allotted for a permanent Capitol and other buildings, by the Act locating the Seat of Government at Vallejo; and that said property be equitably divided among the people who were owners and occupants of real estate in the town of Vallejo on the 10th day of January last, to be ascertained, by three Commissioners appointed by the Governor, free of charge.

Which was lost by the following vote :

AYES.

Messrs. Fry,  
Ralston,  
Robinson,

Messrs. Snyder,  
Sprague—5.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
Lott,  
Miller,  
Roach,  
Soule,  
Van Buren,  
Warner—15.

Mr. Lewis offered the following :

Sec. 2. That said M. G. Vallejo must avail himself of the foregoing provisions on or before the first day of July, A. D. eighteen hundred and fifty-two, to entitle him to the provisions of this Act.

Which was adopted.

Mr. Fry moved to re-consider the vote in relation to striking out all after the first section, which was not agreed to by the following vote :

AYES.

Messrs. Estill,  
Fry,  
Hubbs,

Messrs. Miller,  
Ralston—5.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Keene,

Messrs. Roach,  
Robinson,  
Snyder,  
Soule,

Messrs. Keyser,  
Lewis,  
Lott,

Messrs. Sprague,  
Van Buren,  
Warner—14.

Mr. Robinson offered the following amendment :

“That an Act directing the removal of the archives and State offices to the City of Vallejo, which became a law by operation of the Constitution, on the 30th day of April, 1852, be and the same is hereby repealed : *Provided* M. G. Vallejo avails himself of the provisions of this Act.”

Which was lost by the following vote :

AYES.

Messrs. Fry,  
Keene,  
Keyser,  
Lott,  
Ralston,

Messrs. Robinson,  
Snyder,  
Sprague,  
Warner—9.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Hubbs,

Messrs. Lewis,  
Miller,  
Roach,  
Van Buren,  
Walton—10.

Mr. Miller moved to adjourn, on which the ayes and nays were demanded with the following result :

AYES.

Messrs. Broderick,  
Keyser,  
Lott,  
McKibben,  
Miller,

Messrs. Ralston,  
Roach,  
Soule,  
Walton,  
Warner—10.

NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Lewis,  
Robinson,  
Sprague,  
Van Buren—10.

The President gave the casting vote in the affirmative, and the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

## IN SENATE.

TUESDAY, May 4, 1852.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Benton.

The Journal of Monday was read and approved.

Mr. Lott, from the Committee on Public Printing, reported back Assembly concurrent resolution in reference to receiving proposals for the public printing, and it was laid upon the table.

Mr. Lott, from the Select Committee, reported back Assembly bill for "an Act defining the boundary between Butte and Sutter Counties," and it was laid on the table.

Mr. Hubbs, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the place of holding the Sessions of the Supreme Court ;"

"An Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor ;"

"An Act to prevent certain officers from dealing in certain securities or evidences of debt ;"

"An Act amendatory of an Act entitled an Act concerning Corporations ;" passed April 22d, 1850.

Also, "an Act supplementary to an Act to fund the debt of the State," passed April 29th, 1851.

The report was adopted.

Mr. Walton, from the Committee on Agriculture, reported back Senate bill for "an Act concerning Estrays," and recommended that the bill be indefinitely postponed.

The report was accepted, and the bill laid on the table.

Mr. Walton, from the Joint Committee on the disagreeing vote of the two houses upon the bill for "an Act to enumerate the inhabitants of the State of California," submitted the following report :

*Mr. President :—*

The Joint Committee to whom was referred the disagreeing vote of the two houses, in relation to amendments to "an Act to be entitled an Act to enumerate the inhabitants of the State of California,"

Beg leave to report, that they agree to adopt the Assembly amendment to section fourth, which reads as follows:—"That the person so appointed to take the census, shall receive sixteen dollars per day for each day actually employed in taking such enumeration;" and have agreed to the following amendments to the twelfth section—strike out all after the word correct, in the fifth line, and insert the following:—"Which upon presentation to the State Comptroller, shall be audited by him, and he shall draw his warrant upon the Treasurer of State to be paid out of any monies in the general fund, not otherwise appropriated.

All of which is respectfully submitted.

J. WALTON,  
J. R. SNYDER,  
J. E. N. LEWIS,  
Senate Committee.

C. B. FOWLER,  
For the Committee of Assembly.

The report was concurred in by the following vote :

AYES.

Messrs. Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,  
Keyser,  
Lewis,

Messrs. Lind,  
McKibben,  
Miller,  
Snyder,  
Sprague,  
Walton—13.

NAYS.

Messrs. Broderick,  
Lott,  
Ralston,  
Roach,

Messrs. Robinson,  
Soule,  
Van Buren,  
Warner—8.

Mr. Walton from the Joint Committee on the disagreeing vote of the two houses on the bill for "an Act to provide for the protection of Foreigners, and to define their liabilities and privileges," stated that the Committee had agreed on the following report: Adopt the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th and 12th amendments made by the Assembly, amend second amendment by striking out "2," and inserting "3;" and that the Senate do not concur in the 8th and 11th amendments.

Mr. Sprague moved that the Senate concur in the report, on which the ayes and nays were demanded, with the following result :

AYES.

Messrs. Denver,  
Fry,  
Hubbs,

Messrs. Lott,  
Miller,  
Ralston,



Messrs. Keene,  
Keyser,  
Lewis,  
Lind,

Messrs. Robinson,  
Sprague,  
Walton—18.

# NAYS.

Messrs. Broderick,  
McKibben,  
Roach,  
Snyder,

Messrs. Soule,  
Van Buren,  
Warner—7.

So the report was concurred in.

Mr. Walton, from the Select Committee, submitted the following report, which was read and adopted.

*Mr. President:—*

The Select Committee, to whom was referred the reply of His Excellency, Gov. John Bigler, to the resolution of the Senate, adopted January 26th, 1852, requiring the Governor to report to the Senate the evidence upon which was based the statement contained in his report, (in relation to appointments made by his predecessor during the past year) that the Hon. Vinal Daniels, Judge of El Dorado County had absconded, have had the subject under consideration and have procured such testimony bearing upon the case as your Committee deem to be conclusive. The statement of Governor McDougal was based upon the certificate of E. S. Hall, Deputy Recorder of El Dorado County, (herewith submitted, marked A.) Your Committee would not impugn the motives, or censure the actions of the Governor, believing if fault there be, it lies elsewhere. Some of the affidavits exhibit a singular state of facts, and will afford amusement for the curious. The affidavits are submitted with this report.

Your Committee, after a careful investigation of the subject, have arrived at the conclusion that the Hon. Vinal Daniels did overdraw his salary, in their opinion, unintentionally, as they have had good evidence that upon his being informed that he had overdrawn, he *immediately* refunded the full amount so overdrawn. This took place before his resignation of the office of County Judge of El Dorado County, and previous to his leaving said county.

Your Committee would, therefore, express as their opinion, that the Hon. Vinal Daniels, former Judge of El Dorado County, is fully exonerated from all imputations that he was a defaulter and had absconded.

J. WALTON,  
Chairman of Committee.

On motion of Mr. Robinson, the bill "for the relief of C. E. Pickett," was taken from the table read a first and second time, and laid over under the rule, objections being made to a third reading.

Unanimous leave was granted Mr. Fry to record his vote against the pas-

sage of the bill for "an Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

Assembly bill for "an Act to authorize the Treasurer of State to make special deposits, was read a first and second time, the rules suspended, it was read a third time and passed.

On motion of Mr. McKibben, Assembly bill for "an Act to regulate the term of the District Court of the Tenth Judicial District," was taken from the table, read a third time and passed.

A message was received from the Governor, informing the Senate that he had, this day, approved the following Acts: "an Act to provide for the incorporation of Water Companies;"

"An Act concerning the collection of certain State taxes from vessels trading within the waters of the State of California, and in relation to suits therefor;"

"An Act to authorize the Mayor and Common Council of the City of Sacramento to contract for supplying the city with water;"

"An Act for the relief of Nathan Coombs of the County of Napa."

"An Act to provide for the construction of Telegraph lines within the State of California."

A message was received informing the Senate that the Assembly this day concurred in the report of the Conference Committee, appointing John A. Read, Daniel J. Lisle, Doct. Houghton, and Col. Forman, Trustees of the Sacramento State Hospital; and concurred in Senate resolution to adjourn "*sine die*." Tuesday, at 12 o'clock, M.; and passed "an Act concerning the Independent Order of Odd Fellows;"

"An Act for the relief of Messrs. Bailey, Corbett and others;"

"An Act to amend the seventy-first section of an Act concerning Crimes and Punishments," passed April 16th, 1850;

"An Act to change the name of George Krantz;"

And appointed Messrs. McMeans, McMullen and Brush, a Committee of Conference on the part of the Assembly on the disagreeing votes of the houses upon a bill in reference to "Foreign Miners;"

And passed Senate bill for "an Act for the relief of Cronin and Markley;"

Also, "an Act for the relief of J. D. Hoppe;"

"An Act to make the Books of Public Officers open to the inspection of the people;"

"An Act to establish a water line in the City of Benicia;"

"An Act to authorize the Treasurer of State to make special deposits;"

"An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity Expeditions against the Indians," passed May 3d, 1852;

And appointed on their part Messrs. Coats, Crabb and Crittenden, as a Committee of Conference on the disagreeing votes of the two houses upon a Joint Resolution in reference to "the Compromise Measures, passed by the 31st Congress;"

And concurred in the Senate amendments to Assembly bill for "an Act concerning the Printing of the reports of the Supreme Court of the State of California;"

And passed Senate bill for "an Act for the relief of Benjamin Chapman ;"

On motion, the chair appointed Messrs. Van Buren, Broderick and Denver, a Committee of Conference on the disagreeing votes of the two houses upon a Joint Resolution in reference to "the Compromise Measures of the 31st Congress."

Assembly bill for "an Act concerning the Independent Order of Odd Fellows," was read three times and passed, the rules being suspended for that purpose.

Assembly bill for "an Act to change the name of George Krantz," was read a first and second time, the rules suspended, it was read a third time and passed.

Mr. Denver submitted the following resolution which was passed :

*Resolved*, That the Secretary and the Assistant Secretary, be continued at their regular per diem for such time as may be necessary to complete the recording of the Journals, and the proper arrangement of Senate papers of this session ; and that the Comptroller of State is hereby required to draw his warrant or warrants on the Treasurer for such services, upon the certificate of the Lieut. Governor.

Mr. Miller submitted the following resolution, which was adopted :

*Resolved*, That the Sergeant-at-Arms be allowed and paid the usual fees for attending the calls of the Senate during the present session.

On motion, the chair appointed Messrs. Walton, Lind and Keyser, a Committee of Conference on the disagreeing votes of the two houses upon the bill "to provide for the Contingent Expenses of the Government."

A message was received, informing the Senate that the Assembly adopted, this day, the report of the Committee of Conference on the bill concerning "Foreign Miners ;"

And concurred in Senate amendments to "an Act to regulate the terms of the District Court of the Tenth Judicial District."

On motion of Mr. Broderick, the bill for "an Act to appoint Commissioners to ascertain and report the amount of damages sustained by reason of the removal of the Archives and Legislature from Vallejo, and to cancel the bond of M. G. Vallejo and others," was taken from the table. It was then read a third time.

Mr. Cooke moved to re-consider the vote on the third reading of the bill which was agreed to by the following ayes and nays :

#### AYES.

Messrs. Cooke,  
Denver,  
Estill,  
Hubbs,  
Keene,  
Keyser,

Messrs. Lott,  
Miller,  
Ralston,  
Robinson,  
Walton—11.

## NAYS.

Messrs. Broderick,  
Lewis,  
Snyder,  
Soule,

Messrs. Sprague,  
Van Buren,  
Warner—7.

The bill was then considered by the Senate, as in Committee of the Whole, and reported back with amendments.

Mr. Sprague moved to strike out the second section, which was lost by the following vote:

## AYES.

Messrs. Broderick,  
Keyser,  
Lewis,  
Lott,  
McKibben,

Messrs. Soule,  
Sprague,  
Van Buren,  
Warner—9.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,  
Keene,

Messrs. Miller,  
Ralston,  
Robinson,  
Snyder,  
Walton—11.

Mr. Broderick moved to amend the second section by striking out “\$100,000,” and inserting “\$10,000,” which was lost by the following vote:

## AYES.

Messrs. Broderick,  
Keyser,  
Lewis,  
Lott,  
McKibben,

Messrs. Snyder,  
Soule,  
Sprague,  
Van Buren,  
Warner—10.

## NAYS.

Messrs. Cooke,  
Denver,  
Estill,  
Fry,  
Hubbs,

Messrs. Keene,  
Miller,  
Ralston,  
Robinson,  
Walton—10.

Mr. Hubbs moved to amend the second section, by striking out



“\$100,000,” and inserting “\$50,000,” which was lost by the following vote :

AYES.

Mr. Hubbs—1.

NAYS.

Messrs. Broderick,  
Cooke,  
Denver,  
Estill,  
Fry,  
Keene,  
Keyser,  
Lewis,  
Lott,

Messrs. McKibben,  
Miller,  
Ralston,  
Robinson,  
Soule,  
Sprague,  
Van Buren,  
Walton,  
Warner—18.

Mr. Van Buren moved to amend the second section by striking out “\$100,000,” and inserting “\$11,000.”

Mr. Estill moved to lay the whole matter on the table, which was agreed to by the following vote :

AYES.

Messrs. Broderick,  
Denver,  
Fry,  
Keyser,  
Lewis,  
Lott,  
McKibben,

Messrs. Miller,  
Ralston,  
Soule,  
Sprague,  
Van Buren,  
Walton,  
Warner—14.

NAYS.

Messrs. Cooke,  
Estill,  
Hubbs,

Messrs. Keene,  
Robinson—5.

A message was received from the Governor, informing the Senate that he, this day, approved “an Act amendatory of an Act entitled an Act to create a State Hospital in the City of Sacramento,” passed April 15th, 1851.

Mr. Soule from the Joint Committee on Enrolled bills, submitted the following report, which was adopted :

*Mr. President :*

Your Committee on Enrolled Bills, have presented to His Excellency, the Governor, for examination and signature the following named acts.

"An Act prescribing the time of payment of the salaries of the Officers of State ;"

"An Act for the relief of Jesse D. Carr ;"

"An Act for the relief of William P. Hartnell ;"

"An Act to provide that the Treasurer of the County of Calaveras shall be collector of taxes for said county, until it shall be decided by the proper tribunal who is Sheriff of said County ;"

"An Act to provide for the Public Printing ;"

"An Act respecting the trustees of the City of San Diego ;"

"Joint resolution of instruction to our Representatives in Congress in relation to the claim of Elias Waldron ;"

"An Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by this State, prior to being admitted into the Union, and the mode of appropriating the same ;"

"An Act for the relief of Lorenzo Hubbard ;"

"An Act to provide for appeals in certain cases ;"

"An Act for choosing Electors of President and Vice President of the United States ;"

"An Act for the Protection of Game ;"

"An Act for the appointment of a Guager at San Francisco ;"

"An Act regulating the duties of Harbor Master of San Francisco ;"

"An Act to provide for a special election in the County of Trinity ;"

"An Act to establish a system of Common Schools ;"

"An Act to declare San Antonio Creek navigable ;"

"An Act for the relief of L. Hazleton, N. A. Holley & Co., and Lawrence McMahon ;"

"An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians ;"

"An Act to provide for the incorporation of Water Companies ;"

"An Act to provide for the payment of State Prison Inspectors ;"

"An Act concerning the place of holding the sessions of the Supreme Court."

Respectfully submitted,

FRANK SOULE.

Mr. Van Buren, from the Committee of Conference, on the disagreeing votes of the two houses on the Compromise resolutions, reported, that the committee had agreed to adopt the Senate resolutions.

The report was concurred in.

A message was received, informing the Senate that the Assembly, this day, concurred in the report of the Committee of Conference upon the "subject of the Compromise Measures of the 31st Congress ;"

And passed "an Act to authorize the Common Council of San Francisco to make certain contracts ;"

And "an Act for the relief of Voorhies and Grant."

Mr. Walton from the Committee of Conference on the disagreeing votes of the two houses on Assembly bill for "an Act appropriating moneys to meet the Contingent Expenses of Government," reported that the Commi<sup>t</sup> ee

recommend that the Senate amendments to the bill be concurred in, which was agreed to.

Mr. Broderick from the Committee of Conference on the disagreeing votes of the two houses, on bill for "an Act to fund the debt of the County of San Francisco," reported that the committee had agreed to strike out the name of "R. N. Wood," and insert Stephen R. Harris.

The report was concurred in.

On motion of Mr. Lewis, the bill for "an Act for the relief of J. C. Smith, was taken under consideration and again laid upon the table.

Mr. Hubbs from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Printing of the reports of the Supreme Court of the State of California ;"

And "an Act to change the name of George Krantz."

The report was adopted.

A message was received, informing the Senate that the Assembly, this day, concurred in the report of the Conference Committee upon the bill for "an Act to fund the county debt of San Francisco County ;"

And concurred in the report of the Conference Committee upon the bill for "an Act to appropriate moneys to meet the Contingent Expenses of Government ;"

And passed a bill for "an Act concerning lawful fences and animals trespassing on premises lawfully enclosed ;"

And a concurrent resolution not to transact any other business, except receiving messages from the Senate, and communications from the Governor ; reports from Committees of Conference, and on engrossed and enrolled bills, and that the Assembly will be ready to adjourn at twelve o'clock, meridian.

The following communication was received, and ordered upon the Journal.

TO THE HON. SAMUEL PURDY,

Sir :—

I hereby tender my resignation as State Senator from the Tenth Senatorial District of this State : said resignation to take effect from and after the close of the present Legislature.

Yours, &c.

JAMES MILLER.

*Sacramento City, April 3, 1852.*

Mr. Hubbs submitted the following resolution which was passed.

*Resolved*, (the Assembly concurring,) That the present Legislature continue throughout this day, (the 4th day of May, 1852,) and that no other business be considered after 12 o'clock, noon, excepting reports of Enrolling Committee and messages from the Governor, and that all resolutions conflicting with this, be, and the same are repealed.

Assembly bill for "an Act to repeal an Act requiring the Treasurer to retain certain moneys, was taken up, read three times and passed, the rules being suspended for that purpose.

Mr. Hubbs submitted the following resolution, which was adopted :

*Resolved*, That Messrs. Robinson and Walton be a committee to examine the accounts and vouchers of the Treasurer and Comptroller's Office, and that they have power to make such examination at any time prior to the first day of July next, and to report the result of their examination to the Governor and to the next Legislature.

Mr. Ralston submitted the following resolution, which was adopted.

*Resolved*, That the Sergeant-at-Arms be authorized to make out the account of R. Tonzalin, (Clerk of the Committee on Commerce and Navigation) from the same date as the other committee clerks.

Mr. Hubbs from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to regulate the terms of the District Court of the Tenth Judicial District."

The report was adopted.

Assembly Concurrent Resolution, that a Committee of three be appointed on the part of the Assembly, and a like number on the part of the Senate, to wait on the Governor and inform him that the two Houses have completed the business of the session, and are now ready to adjourn *sine die*, and to know of him whether he has any further communications to make, was concurred in; and Messrs. Van Buren, Cooke and Broderick, were appointed as the Committee on the part of the Senate.

Mr. Lott, from the Committee on Claims, reported back Assembly bills :

"An Act to pay freight to the schooner Taccio ;"

"An Act for the relief of Mrs. Jane Woodland," for the favorable consideration of the Senate.

The report was accepted and the bills laid upon the table.

Mr. Soule, from the Committee on Education, reported back the petition of Jose Du Lin, Padre of the Mission of San Jose, for the consideration of the Senate.

The report was accepted and laid upon the table.

The following Assembly bills were read a first time and laid on the table :

"An Act to establish a water line in the city of Benicia ;"

"An Act to authorize the Common Council of San Francisco to make certain contracts ;"

"An Act for the relief of Messrs. Bailey, Corbett and others ;"

"An Act to amend the seventy-first section of an Act concerning crimes and punishments," passed April 16th, 1850 ;

"An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity expeditions against the Indians," passed May 3d, 1852.

"An Act to make the books of public officers open to the inspection of the people."

And also "an Act for the relief of J. D. Hoppe."

On motion of Mr. Ralston, leave was granted to B. F. Ankeny to withdraw all vouchers filed with a bill for his relief.

The Joint Committee on Enrolled Bills reported as correctly enrolled

"An Act to fund the debt of the County of San Francisco ;"



"An Act appropriating moneys to meet the contingent expenses of Government ;"

"An Act to repeal an Act requiring the Treasurer to retain certain moneys ;"

"An Act to provide for the protection of Foreigners, and to define their liabilities and privileges ;"

"An Act for the relief of insolvent debtors and protection of creditors ;"

"An Act for the relief of Cronin and Markley ;"

"An Act concerning Escheated Estates ;"

"An Act for the relief of Benjamin Chapman ;"

"An Act defining the time of commencing civil actions in certain cases ;"

"An Act to authorize the Treasurer of State to make special deposits ;"

"An Act concerning the Independent Order of Odd Fellows ;"

"A Joint Resolution approving the Compromise Measures of the Thirty-first Congress."

The report was adopted.

A message was received from the Governor, informing the Senate that he had this day approved the following bills :

"An Act concerning Licenses ;"

"An Act to provide for the protection of Foreigners and to define their liabilities and privileges ;"

"An Act for the relief of Benjamin Chapman ;"

"An Act supplementary to an Act to fund the debt of the State ;"

"An Act for the relief of insolvent debtors and protection of creditors ;"

"An Act to prevent certain officers from dealing in certain securities or evidences of debt ;"

"An Act to fund the floating debt of the County of San Francisco ;"

"An Act for the relief of Cronin and Markley ;"

"An Act to enumerate the inhabitants of the State of California ;"

"Joint Resolution approving the Compromise Measures of the Thirty-first Congress ;"

"An Act amendatory of an Act entitled an Act concerning Corporations ;"

"An Act concerning the place of holding the sessions of the Supreme Court ;"

"An Act concerning Escheated Estates ;"

"An Act concerning the Independent Order of Odd Fellows."

Mr. Hubbs, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act concerning Licenses."

Report adopted.

Mr. Van Buren, from the Committee to wait on the Governor, reported to the Senate that they had performed their duty, and that the Governor had no further communications to make to this Legislature.

On motion of Mr. Robinson, the Secretary was directed to inform the Assembly that the Senate having completed the business of the session, is now ready to adjourn *sine die*.

A message was received, informing the Senate that the Assembly is now ready to adjourn *sine die*.

Mr. Estill submitted the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of the Senate be tendered to Hon. Samuel Purdy, for the able and impartial manner in which he has discharged the duties of President of the Senate.

Mr. Purdy then delivered the following address :

*Senators :*

In closing the labors of this long and tiresome session—and as we are about parting, each to pursue his own path of life and death, it is impossible for me to express the sense of obligation I feel for the uniform courtesy and kindness which you have manifested towards me during our labors together. I have received from you every mark of attention and generous consideration which I cannot easily forget, and for which, gentlemen, I shall ever feel grateful. I felt an embarrassment, owing to my want of experience in legislative affairs ; but that feeling was soon removed by your kind indulgence and courtesy. It affords me pleasure to believe that nothing has occurred, since our meeting, to interrupt those feelings of friendship and respect for each other, which tend so greatly to individual advantage, and to correct and proper legislation.

I can now bid you farewell, and trust that all your paths may be prosperous, and your lives full of blessings.

And in accordance with a concurrent resolution of the two Houses, I now declare this Senate adjourned *sine die*.

SAMUEL PURDY,  
President of the Senate.

Attest :

A. C. BRADFORD, Secretary.

The foregoing are a true copy of the original Journals daily approved by the Senate.

Attest :

A. C. BRADFORD, Secretary.

VALLEJO, July, 1852.



## APPENDIX.

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Reports of Committees, Executive Documents, Communications from the Departments, and other Public Papers presented to the Senate, at the Third Annual Session of the Legislature of California.





[A]

# REPORT

OF THE

## COMPTROLLER OF STATE.

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COMPTROLLER'S OFFICE,  
San Jose, December 15, 1851. }

To His Excellency JOHN McDUGAL,  
Governor of California :

SIR: The undersigned has the honor to submit the following Report of the condition of the fiscal affairs of the State for the fiscal year, terminating on the 30th day of June, A. D. 1851, together with such general remarks as are deemed appropriate for your consideration.

You will find the subject presented under the following heads :

### I.

A general statement of the Receipts and Expenditures during the second fiscal year, ending on the 30th day of June, A. D. 1851.

### II.

An estimate of the Revenues and Expenditures for the third fiscal year, ending June 30, 1852.

### III.

A detailed statement of the condition of the State Debt at the close of the second fiscal year.

### IV.

A tabular statement, showing, separately, the whole amount of each ap-

appropriation of money made by law, the amount paid under the same, and the balance unexpended on the 30th day of June, A. D. 1851.

## V.

A tabular statement, showing the condition of the several Funds on the 30th day of June, 1851.

## VI.

A tabular statement, showing the amount of Revenue chargeable to each county for the preceding year ; the aggregate amount of each object of taxation, together with the tax assessed on the same.

## VII.

A tabular statement, exhibiting the amount of Auction Sales, as reported to this office, for the second fiscal year, together with the amount of duties chargeable on the same.

## VIII.

General Remarks.

[A]

## A TABULAR STATEMENT

Of the condition of the Revenues and the amount of the Expenditures of the State for the fiscal year ending June 30th, A. D. 1851.

## RECEIPTS.

## TAXES.

Amount received from	Branciforte County,	-	-	\$4,948	36
"	"	"	Butte	"	512 43
"	"	"	Contra Costa	"	9,854 57
"	"	"	El Dorado	"	1,200 00
"	"	"	Los Angeles	"	10,037 02
"	"	"	Marin	"	4,553 50
"	"	"	Monterey	"	16,355 60
"	"	"	Napa	"	4,149 92
"	"	"	Mariposa	"	858 53
"	"	"	Sonoma	"	4,772 43
"	"	"	Sutter	"	4,772 38
"	"	"	Sacramento	"	42,092 29
"	"	"	Solano	"	9,580 99
"	"	"	San Francisco	"	94,896 95
"	"	"	Santa Barbara	"	5,086 87
"	"	"	San Luis Obispo Co.,	"	2,667 74
"	"	"	San Joaquin	"	8,041 56
"	"	"	Santa Clara	"	22,694 07
"	"	"	Yolo	"	1,308 20
"	"	"	Yuba	"	8,847 22
				<hr/>	
				\$257,230 63	

## AUCTION DUTIES.

Amount received from	San Francisco County,	-	-	\$37,462	34
"	"	"	Santa Clara	"	96 00
"	"	"	Monterey	"	463 19
"	"	"	San Joaquin	"	1,156 74
"	"	"	Yuba	"	980 03
				<hr/>	
				\$40,158 70	



## MISCELLANEOUS.

1.	Receipts of Foreign Miners' Tax,	-	-	\$29,991 20
2.	" of Rent of Governor's office refunded,	-	-	1,235 00
3.	" of State Marine Hospital,	-	-	887 60
4.	" from Secretary of State's Office,	-	-	187 25
5.	" " State Assayer's Office,	-	-	1,106 07

## SUMMARY OF RECEIPTS.

1.	Taxes,	-	-	-	-	\$257,230 63
2.	Auction Duties,	-	.	-	-	40,158 70
3.	Miscellaneous,	-	-	-	-	33,407 12
						<hr/>
						\$330,796 45

[B.]

## EXPENDITURES.

## EXECUTIVE DEPARTMENT—SALARIES.

1.	On account of the	Salary of the Governor,	-	\$12,500 00
2.	On	" " " Secretary of State,	-	8,750 00
3.	On	" " " Comptroller of State,	-	10,000 00
4.	On	" " " Treasurer of State,	-	11,250 00
5.	On	" " " Attorney General,	-	5,856 00
6.	On	" " " Surveyor General,	-	7,500 00
7.	On	" " " State Translator,	-	8,000 00
8.	On	" " " Governor's Private Secretary,	-	2,120 00
Total,				<hr/> \$65,976 97

## CONTINGENT EXPENSES.

Including Rent, Fuel, Lights, Clerk hire, Stationery, Furniture and Printing.

1.	On account of the office of Governor,	-	-	\$5,586 99
2.	“ “ “ Secretary of State,	-	-	9,086 93
3.	“ “ “ Comptroller of State,	-	-	9,620 42
4.	“ “ “ Treasurer,	-	-	6,164 58
5.	“ “ “ Attorney General, -	-	-	3,779 33
6.	“ “ “ Surveyor General,	-	-	2,726 50
7.	“ “ “ State Translator. -	-	-	180 62
8.	“ “ “ Superintendent of Public Instruction,	-	-	1,232 50
<hr/>				
Total, -	-	-	-	\$37,377 87

[C.]

## LEGISLATIVE DEPARTMENT—PER DIEM.

1.	On account of Senators,	-	-	-	\$26,656 00
2.	" " Members of Assembly,	-	-	-	64,816 00
3.	" " Officers and Com. Clerks of the Senate,				32,906 00
4.	" " " " " " Assembly,				37,670 00
Total,					<u>\$162,048 00</u>

## MILEAGE.

1.	On account of the Senate,	-	-	-	\$9,568 00
2.	" " " Assembly,	-	-	-	17,023 40
Total,					<u>\$26,591 40</u>

## CONTINGENT EXPENSES.

1.	On account of the Senate,	-	-	-	\$3,875 54
2.	" " " Assembly,	-	-	-	9,942 54
3.	" " " Witnesses' fees and service of process in the Adams case,—Senate,			-	1,290 00
4.	" " " Witnesses' fees and service of Parsons and Turner, Assembly,			-	6,169 00
5.	" " " Postage of both houses, per appropriation,				3,008 00
Total,					<u>\$24,285 08</u>

[D.]

## JUDICIAL DEPARTMENT.

1.	Amount paid	S. C. Hastings, Justice Supreme Court,	\$12,417 81
2.	"	N. Bennett, " " "	10,136 98
3.	"	H. A. Lyons, " " "	10,164 38
4.	"	O. S. Witherby, Judge 1st Judicial District,	3,708 92
5.	"	H. A. Tefft, " 2d " "	5,604 56
6.	"	J. H. Watson, " 3d " "	5,042 24
7.	"	C. P. Hester, " 3d " "	541 56
8.	"	Levi Parsons, " 4th " "	5,625 00
9.	"	C. M. Creaner, " 5th " "	5,604 46
10.	"	I. S. Thomas, " 6th " "	625 00
11.	"	Tod Robinson, " 6th " "	3,604 19
12.	"	Rob't Hopkins, " 7th " "	5,625 00
13.	"	Wm. R. Turner, " 8th " "	7,158 91
14.	"	W. S. Sherwood, " 9th " "	7,479 46
15.	"	T. W. Sutherland, Dist. Att'y 1st Judicial Dist.	450 00
16.	"	E. S. Hoar, " 2d " "	500 00
17.	"	F. H. Sandford, " 3d " "	820 54
18.	"	I. F. Williams, " 3d " "	200 00
19.	"	W. C. Wallace, " 3d " "	1,573 23
20.	"	C. Benham, " 4th " "	1,356 16
21.	"	S. A. Booker, " 5th " "	768 49
22.	"	J. K. Shafer, " 5th " "	777 17
23.	"	C. P. Hester, " 3d " "	659 89
24.	"	M. S. Latham, " 6th " "	1,410 95
25.	"	R. A. Maupin, " 7th " "	500 00
26.	"	J. E. Brackett, " 8th " "	200 00
27.	"	H. P. Watkins, " 8th " "	1,000 00
28.	"	J. W. McCorkle, " 9th " "	800 00
19.	"	G. A. Smith, " 9th " "	1,200 00
			<hr/>
			\$95,855 00

## JUDICIAL DEPARTMENT—CONTINGENTS.

1.	On account of the Supreme Court, including Stationery, Fuel, Furniture, &c.	\$1,521 25
2.	Attendance of Sheriff on Supreme Court,	678 00
		<hr/>
		\$2,199 25

## [E.] MISCELLANEOUS EXPENDITURES.

1.	Legislative Printing, - - -	\$44,790 76
2.	Printing the Spanish Pamphlet Laws, - -	21,107 40
3.	Publishing Laws in the Newspapers, - -	360 00
4.	Printing the Statutes of 1850, and Freight, -	15,826 41
5.	Printing Journals of 1850, and Binding, -	14,396 44
6.	Stationery for State Printing, - - -	4,442 50
7.	J. F. Thorp, State Marine Hospital, - -	887 30
8.	J. C. Morehead, Quarter-Master General, -	1,910 95
9.	W. H. Richardson, enforcing collection of Foreign Miners' Tax, - - -	1,180 00
10.	Wm. P. Rodgers, Special Messenger to Washington City, -	1,000 00
11.	Richard Roman, expense of negotiating War Loan, -	150 00
12.	Richard Roman, expense of procuring War Loan Bonds, -	100 00
13.	Joseph Evans, loss of State Bonds, - -	589 50
14.	Mayor and Common Council of the city of San Jose, -	50,353 00
15.	Justh & Quirot, Lithographed War Bonds, -	600 00
16.	William Smith, appropriation for legal services, -	2,500 00
17.	James Burney, Sheriff of Mariposa, - -	200 00
18.	Sacramento State Hospital, 1st instalment, -	7,500 00
19.	Removal of the Seat of Government, - -	1,500 00
20.	A. G. Kimball, Distribution of the Laws and Journals, -	1,975 00
		<hr/>
		\$171,369 26

## RECAPITULATION OF EXPENDITURES MARKED

[B.] [C.] [D.] [E.]

Executive Department, salaries, -	\$65,976 97	
“ “ contingents, -	37,377 87	\$103,354 84
Legislative Department, per diem, -	162,048 00	
“ “ mileage, -	26,591 40	
“ “ contingents, -	24,285 08	212,924 48
Judicial Department, salaries, -	95,855 00	
“ “ contingents, -	2,199 25	98,054 25
Miscellaneous Department, - -		171,359 26
		<hr/>
Total,		\$585,702 83

Amount of Expenditures during the year,	\$585,702 83	
Deduct amount of Receipts, as above,	330,796 45	
Excess of Expenditures, - -	254,906 38	\$254,906 38



From the above exhibits, it will be perceived that there is an excess of expenditure over the receipts into the Treasury, during the Second Fiscal Year, of two hundred and fifty-four thousand, nine hundred and six dollars, and thirty-eight cents.

The receipts from the grand levy of the year 1850, have not been fully equal to the amount estimated in my last annual report, from a variety of causes, which will be made apparent on a slight examination. The uncertainty and insecurity which has heretofore enveloped a very large proportion of the titles to real estate, and the migratory and transient character of our population, rendering the collection of the Poll-Tax assessed by the Revenue Act almost entirely impracticable and impossible, in connection with other causes, have contributed materially to produce this result. But the chief reason will be found to exist in the inefficiency, negligence and carelessness of some of the county officers, in several of the counties of the State, upon whom was devolved the duty of carrying into efficient execution the full and minute provisions of the law.

The assessments in several counties, which were incomplete at the date of the estimate in my last report, but have since been returned to this department, have not been fully equal to the amount estimated, and the consequent receipts have been necessarily diminished. A few of the County Treasurers, have not fully settled their accounts for the collection of the Taxes of that year; and from the County of Calaveras, no payment has been received whatever. These delinquencies will be noticed more specifically in their appropriate place, in a subsequent part of this report.

Since the close of the late Fiscal Year, several payments have been made into the State Treasury, on account of revenue due the same for that year, a statement of which is here submitted, for the purpose of fully exhibiting, in this connection, the amount realized by the State from taxes for that period; from a consideration of which it will be perceived that, although from the causes that have been mentioned, the receipts from the ordinary sources of taxation have not fully equalled the estimate; yet the receipts from Auction Duties have exceeded the same by over the sum of twenty thousand dollars.

## STATEMENT,

Exhibiting the payments made into the State Treasury, since the close of the year ending June 30th, 1851; the same being on account of revenue due the State for the year ending at that date.

## TAXES RECEIVED SINCE JUNE 30, 1851.

Amount from Branciforte County Treasurer,	-	-	\$817 67
“ “ El Dorado, “ “	-	-	381 17
“ “ Sacramento, “ “	-	-	4,473 02
“ “ Tuolumne “ “	-	-	4,681 88
“ “ San Diego “ “	-	-	1,792 00
			<hr/>
			\$12,145 74

Add amount paid in by County Treasurer previous to the close of the year, as per statement marked “A,” - \$257,230 63

Total amount realized from ordinary taxes of the year 1850, \$269,376 37

Amount of auction duties received from Treasurer of Sacramento County, - \$10,215 75

Add amount paid in by County Treasurers previous to the close of the year, as per statement “A,” - - - \$40,158 70—\$50,374 45

Total amount realized from taxes and auction duties, \$319,750 82

Experience having demonstrated the entire impolicy of the statute providing for the taxation of Foreign Miners, and it having utterly failed in its practical operation as a revenue measure, (the entire sum realized to the Treasury, throughout the whole period of the operation of the law, being only \$33,147 47,) and it being a measure of doubtful constitutionality, and only defensible in view of the exigencies of the State at the period of its enactment, the last Legislature unconditionally repealed the entire act, as well as the act creating the office of State Assayer and Refiner. These two sources of revenue being extinguished by the legislation of the last session, a small deficiency will probably exist at the close of this Fiscal Year in the receipts, as compared with the disbursements, which must be supplied from some other source.

The item of \$1,235, was refunded into the Treasury on an order from the Comptroller, by your predecessor in office; he having become satisfied that it had been erroneously charged for and drawn therefrom, and it was not authorized by the language of the Statute; and deeming it improper as a charge upon his Contingent Fund, it was promptly refunded by that officer.

## II.

[F.]

## AN ESTIMATE

Of the Revenues and Expenditures for the Third Fiscal Year, ending on the 30th day of June, A. D. 1852.

## RECEIPTS.

1.	Estimated proceeds of the State Tax, from the duplicate of 1851, \$75,000 00; State Tax, \$375,000 00; Delinquent, \$49,000, - - - -	\$326,000 00
2.	Tax on 30,000 Polls, at \$2 each, one sixth delinquent,	50,000 00
3.	Auction Duties—State's portion, after deducting amount due Hospital, - - - -	25,000 00
4.	Gaming Licenses—State's portion, - - - -	12,000 00
5.	Secretary of State's Office, - - - -	300 00
6.	Interest Tax, - - - - -	68,000 00
Total,		<u>\$481,300 00</u>

## EXPENDITURES.

## EXECUTIVE DEPARTMENT.

1.	Salaries of the State Officers, . . . . .	\$34,750 00
2.	“ “ three Clerks in State Offices, . . . . .	7,950 00
3.	Contingent Expenses of the Offices, including Fuel, Lights, Stationery, Furniture, Printing, &c., . . . . .	23,170 00
Total, . . . . .		<u>\$65,870 00</u>

## LEGISLATIVE DEPARTMENT.

1.	Per Diem and Mileage of 28 Senators, session of three months, . . . . .	\$26,034 00
2.	Per Diem and Mileage of 63 Assemblymen, session of three months, . . . . .	55,761 70
3.	Per Diem of Officers of Senate and Assembly . . . . .	29,300 00
4.	Contingent Expenses of both Houses, . . . . .	16,286 00
Total, . . . . .		<u>\$127,381 70</u>

## JUDICIAL DEPARTMENT,

1. Salaries of 3 Justices of the Supreme Court, . . .	\$28,500 00
2. " " 11 Judges of the District Courts, . . .	76,125 00
3. " " 11 District Attorneys, one quarter, . . .	5,550 00
4. " " 29 " " under new Salary Law, . . .	22,125 00
5. Contingent Expenses of the Supreme Court, . . .	3,665 00
Total, . . . . .	<u>\$135,915 00</u>

## MISCELLANEOUS.

1. State Printing, . . . . .	\$50,000 00
2. Publication of General Laws in six Newspapers, . . .	43,300 00
3. Translation of Laws into Spanish, . . . . .	1,067 00
4. Distribution of Laws and Journals, . . . . .	1,000 00
5. Archives at Monterey, . . . . .	1,000 00
6. Payment of Interest on 7 per cent. Bonds, . . . .	24,000 00
7. Stockton Municipality Appropriation, . . . . .	8,000 00
8. Stockton State Hospital, . . . . .	15,000 00
9. Sacramento State Hospital, . . . . .	30,000 00
Total, . . . . .	<u>\$173,367 00</u>

## RECAPULATION OF ESTIMATED EXPENDITURES.

1. Executive Department, - - - - -	\$65,870 00
2. Legislative, - - - - -	127,381 70
3. Judicial, - - - - -	135,915 00
4. Miscellaneous, - - - - -	173,367 00
	<u>\$502,533 70</u>

The abstracts for the present year have not all been returned to this office; but enough have been received, taken in connection with the assessments last year, to justify me in estimating the taxable property of the State at seventy-five millions; which, at one-half per cent., gives \$375,000 taxes for the present year; and, allowing \$49,000 for delinquencies, leaves a revenue from this source, of three hundred and twenty-six thousand dollars, (\$326,000,) which it is believed can be confidently relied upon.

Eighteen thousand two hundred and eighty-eight (18,288) Polls were listed last year; but owing to the reduction of that tax for State purposes to two-fifths of its former amount, and the more general inclination exhibi-



ted on the part of many to contribute that very inconsiderable amount towards the support of the State Government, who possess an entire immunity from taxation in other respects, I have estimated the Polls to be listed, at thirty thousand : which, allowing one-sixth as delinquent, would leave fifty thousand dollars that can be fairly calculated upon from this source.

By the provisions of the Acts creating and organizing the State Hospitals at Sacramento and Stockton, one-half of the net proceeds of the tax on Auction Sales and Gaming Licenses according to the State Treasury, are donated for the support of those Hospitals—being one-fourth to each ; which, being estimated at fifty thousand dollars, would leave as applicable to general purposes, the sum of twenty-five thousand dollars. The Act to license Gaming disposed of one-fourth of that tax to the County Treasuries, wherever the same may be collected, and required the remaining three-fourths to be paid into the State Treasury, except in the city of San Francisco, where one-fourth of the same was disposed of to the Treasury of that city ; and by a subsequent law “providing a Revenue for the State Marine Hospital at San Francisco,” one-half of the same, as well as the same proportion of the Auction Tax in that city, was ordered to be transferred monthly to the credit of that Hospital, and paid to the order of the Trustees of that Institution : leaving one-fourth of the Gaming Tax in that city as the proceeds to be paid into the State Treasury.

The State Hospitals at Sacramento and Stockton are entitled to one-half of the net proceeds of this tax throughout the State, which is to be set apart by the Comptroller for their support : until, in conjunction with their proportion of the Auction Tax, it attains a certain limit. The Hospital at Sacramento is restricted to the sum of thirty thousand dollars ; and the Hospital at Stockton to the sum of twenty thousand dollars, annually.

From the returns already in, and considering them as a fair indication of the residue of the year, the probable income from the Gaming Tax, for general purposes, after deducting the amount due the Hospitals, may be rated at twelve thousand dollars, (\$12,000.) By the 9th Section of the Act to Fund the Debt of the State, there has been assessed this year, and thereafter annually, an Interest Tax of fifteen cents on each one hundred dollars of taxable property ; the proceeds of which are to be devoted, first to the liquidation of the Interest accruing semi-annually on the Bonds issued under the provisions of that law, and the balance to be paid into the Sinking Fund to be hereafter organized, and which is designed for the ultimate redemption of that issue.

The amount of this tax for this year, after deducting a reasonable sum for delinquencies, is estimated at sixty-eight thousand dollars, (\$68,000.) The expenditures for the present Fiscal Year have all been estimated with the closest scrutiny. The salaries of the Executive Department have been calculated at their present rates, up to the first of January next, embracing a period of one-half of the year, and thereafter at the retrenched rates provided for in the new Salary Law of the 1st of May last. Under the provisions of the same law, reducing the per diem and mileage of members of the Legislature to ten dollars a day for the first sixty days, five dollars per day thereafter, and eight dollars for each twenty miles travel.

I have carefully prepared the above estimate of the entire expenses of

the next Legislature, and even allowing for a session of three months, it will be perceived that the entire expense of that body, for their approaching session, will amount to but little over one-half that of the preceding one ; and if the unnecessary charge of Clerks to the several Committees is retrenched, the reduction will be still greater.

The estimate for the Judicial Department is increased, as compared with the preceding year ; resulting from the creation of two additional Judicial Districts, also the office of District Attorney for each county in the State, on and after the first day of October last. The salaries of a portion of the functionaries in this department have been estimated at the reduced rates contemplated in the Act of 1st of May last, wherever the incumbencies then existing have been or will be terminated by operation of law.

The expense of the execution of the State Printing, which will include the bound volumes of the laws and Journals of the last Session, is believed to be a very near approximation to the amount that will be demanded for that purpose under the existing laws ; and the estimate for the publication of the general laws in the several Newspapers designated in the Act providing for their early publication, although apparently large, is perfectly accurate. It is not to be supposed that, had the Legislature contemplated an expenditure for this purpose to the extent here exhibited, it would ever have been authorized.

The General Laws of the last session could have been printed in pamphlet form, and thoroughly circulated throughout the State, at an average expense of one-fourth of the amount that will be due the proprietors of the several papers enumerated in that law ; and the greater part of which has already been audited.

The interest on the Funded Debt, due on the 1st day of January next, will amount to nine thousand dollars ; and that due on the 1st day of July, will amount to fifteen thousand dollars—making the sum of \$24,000 necessary to liquidate the interest that will accrue on that issue, during this Fiscal year.

The amount included for the Sacramento and Stockton State Hospitals, is appropriated out of the General Fund annually, by the Acts creating those Institutions, and is payable quarterly to the order of the President of their Board of Trustees. It is a matter of imperious necessity, in view of an economical and prudent administration of our State Government, that the present depleted condition of her treasury should be changed ; and with a view to cause a more united and systematic effort to be made for the collection of the revenue of the present year, I issued a circular during the last summer, with full instructions, and transmitted the same to all the County Auditors and Treasurers, accompanied with complete Blank Forms for the use of the County Assessors, in entering all of the details of taxation, which it is confidently expected will insure a greater uniformity and efficiency in the assessment and collection of the public revenue, than it was possible to attain during the first year of the existence of the State.

If the expectations of the operation of the present Revenue Law are realized, and as, by the interpretation given to the 8th section of the Act to Fund the Debt of the State, all Warrants issued by the Comptroller, for services performed prior to the 1st day of May, are to be funded, it is believed that the Treasurer will soon be able to cash, on presentation, all Warrants that may be drawn upon him from this office, founded on services rendered subsequent to that period ; the result of which will be to

effect an immediate reduction in the Contingent Expenses appertaining to the several Departments, of one-half their former rates.

A deficiency will probably exist in the receipts, as compared with the expenditures of this Fiscal Year, which will be made apparent on an inspection of the estimate submitted, caused by the creation and liberal endowment, by the State, of the Hospitals at Sacramento and Stockton.

To meet this deficit, should it occur, some legislation will be necessary.

It is respectfully submitted, that some of the tulare lands, donated to the State by the General Government, under the Act of Congress disposing of certain submerged and overflowed lands, be immediately brought into market, and offered at a reasonable price to the actual settler, in limited quantities—say one dollar per acre; the reclamation of which, from its present submerged and unprofitable situation, will greatly increase the area of productive agricultural land in the State, and materially augment her wealth and resources. It is only the design of this suggestion that such a quantity of the same be sold, as will realize the sum of fifty thousand dollars, which it is estimated, will be amply sufficient to cover the anticipated deficit, and permit the surplus of the Interest Tax—above the amount required for the payment of the interest on our Funded Debt—to be transferred to the Sinking Fund designed for the ultimate extinction of that issue, as the law requires. The policy of hoarding these lands for a future disposition, is a doubtful one; and it is certainly advisable that, by a judicious management, they be made to contribute towards relieving the State from her present temporary embarrassment, and replenishing her treasury—a measure far preferable to the system partially countenanced by the legislation of the last session, of unconditionally *giving them away*, without any consideration whatever.

They are the only means in our possession of immediately augmenting our revenue, without increasing the per centum of taxation, already sufficiently onerous to the people.

It is my firm conviction, that the present financial condition of the State imperiously demands that the residue of these lands be sacredly devoted to the pecuniary relief of the Treasury of the State, and forbids the squandering of a single acre more, for private and local purposes.

The details of a system for their judicious disposition and sale, are submitted to your better judgment and that of the Legislature.

## III.

## [ G. ] DETAILED STATEMENT OF THE PUBLIC DEBT.

A Tabular Statement, showing the condition of the State Debt on the 30th of June, A. D. 1851, for Bonds issued under an Act approved February 1, 1850, usually denominated the 3 per cent. Bonds.

BONDS SIGNED AND DELIVERED TO STATE TREASURER.													
Number.	Denomination.		Amount.	Total amount.	Total amount issued by the State Treasurer.	Whole amount redeemed up to June 30th, A. D. 1851.	Amount of Bonds outstanding on the 30th June, 1851.	Total amount of interest due on outstanding Bonds on the 30th June, 1851.		Amount of interest paid on Bonds redeemed, up to June 30th, 1851, inclusive,		Total amount of 3 per cent. Bonds, and interest outstanding on the 30th of January, 1851.	
	Dol.	Dol.						Dol.	Dol.	Cts.	Dol.	Cts.	Dol.
777	100	77,700											
368	224	82,800											
179	500	89,500											
50	1000	50,000	300,000		290,100	125,100	165,000	75,976	42	34,625	45	240,976	42

## [ H. ] STATEMENT.

2. Showing the amount of Warrants unredeemed and outstanding, at the close of the Fiscal Year ending on the 30th of June, A. D. 1851.

Balance outstanding at the close of the year ending on the 30th of June, A. D. 1851, . . . . . \$55,574 82

Whole amount of Comptroller's Warrants drawn on the Treasurer during the year ending June 30th, A. D. 1851, . . . . . 585,702 83

\$641,277 65

Whole amount redeemed at the Treasury during the year ending June 30th, A. D. 1851, . . . . . \$170,074 09

Warrants Funded up to June 30th, 1851, . . . . . 33,500 00 203,574 09

Total amount outstanding at the close of the year ending June 30, A. D. 1851, . . . . . \$437,703 56



[ I. ]

## STATEMENT

3. Exhibiting the amount of Bonds issued under the provisions of an "Act to Fund the Debt of the State," passed April 28th, 1851, up to the close of the year ending June 30th, 1851.

Number issued, 67.

Denomination,	-	-	-	-	-	-	-	\$500 00
Amount,	-	-	-	-	-	-	-	\$33,500 00
Interest due on same up to and including June 30, 1851,	-	-	-	-	-	-	-	\$88 86
Total amount of Bonds and interest due at the close of the year ending June 30, 1851,	-	-	-	-	-	-	-	\$33,588 86

The total amount of the Civil Debt of the State existing at the close of the Fiscal Year ending June 30, A. D. 1851, is therefore fully exhibited as follows:

1. Amount of 3 per cent. Bonds outstanding,	\$165,000 00	
"    Interest due on the same,	75,976 42	\$240,976 42
2. Comptroller's Warrants outstanding,	-	437,703 56
3. Funded Bonds outstanding,	33,500 00	
Interest due on same,	88 86	33,588 86
Total,	-	\$712,268 84

## STATEMENT

Showing the amount of Comptroller's Warrants outstanding December 31st, 1851, inclusive.

Amount outstanding June 30, 1851, (see Report,)	-	-	-	-	-	-	\$437,703 56
Amount issued from July 1 to December 31, 1851, inclusive,	-	-	-	-	-	205,265 03	\$642,968 59
Whole amount redeemed at the Treasury, from July 1 to December 31, inclusive,	-	-	-	-	-	130,775 75	
Warrants Funded from July 1 to December 31, inclusive,	-	-	-	-	-	346,000 00	476,775 75
Total outstanding December 31, 1851,	-	-	-	-	-	-	\$166,192 84

## STATEMENT

Of the condition of the 3 per cent. Bonds, on the 31st of December, 1851.

Amount outstanding June 30, 1851, - - -	\$165,000 00	
Interest due on same June 30, 1851, - - -	75,976 42	\$240,976 42
Amount of 3 per cents. redeemed from July 1, up to the 31st of December 31st, 1851, inclusive, - - - - -	17,925 00	
Interest paid on the same to day of redemption, - - - - -	9,306 67	27,231 67
Amount of Bonds outstanding on 31st December, 1851, - - - - -	147,075 00	
Amount of interest due on the same, on the 30th of June, 1851, - - - - -	67,722 61	
Amount of interest accruing on same, from July 1, up to the 31st of December, 1851, inclusive, - - - - -	26,473 50	\$241,271 11

[ K. ]

## WAR DEBT.

The following Tabular Statement will fully exhibit the condition of the State Debt existing on the 30th day of June, A. D. 1851, created under "An Act to provide for the Suppression of Indian Hostilities," &c., passed February 18, 1851—usually denominated the "War Loan Bonds."

BONDS SIGNED AND DELIVERED TO THE TREASURER OF THE STATE.										
Number.	Denomination.		Total amount.		Total amount issued by Treasurer of State up to 30th June, A. D. 1851.	Amount of Interest due on outstanding War Bonds, June 30th, 1851.	Total amount of War Bonds, and interest, out- standing on the 30th of June, 1851.			
	Dol.	Cts.	Dol.	Cts.				Dol.	Cts.	Dol.
267	1,000	00	267,000		155,000	00	3,732	30	158,732	30

Whole amount of the Civil Debt, as per statement above, \$712,268 84

Whole amount of the War Debt, as per statement above, - 158,732 30

Total outstanding obligations of the State, June 30, 1851 - \$871,001 14

The precise character and extent of our entire State Debt, existing at the close of the late Fiscal Year, will be accurately comprehended on an

inspection of the foregoing details. It will be perceived that our whole Civil Debt, principal and interest, amounts to \$712,268 84.

The outstanding War Bonds and interest to \$158,732 30, making the total outstanding obligations of the State, on the 30th day of June, A. D. 1851, \$871,001 14.

With regard to the Civil Debt, as here disclosed, I would observe, that by the Act of the late Legislature, and the interpretation that has been given to it by the Attorney General, it was provided that the Comptroller's Warrants then outstanding, or that might thereafter be issued for services performed prior to the 1st of May, 1851, as well as all the 3 per cent. Bonds, should be Funded, at the option of the holder, at the rate of interest of 7 per cent. per annum.

As soon as the necessary Blanks were prepared, the operation of Funding was commenced on the 10th of June last. Up to the close of the late Fiscal Year, there were \$33,500 of Warrants, absorbed in this manner. And up to the date of this report, there had been funded the sum of \$367,500 00; one-half of which matures on the 1st day of March, 1855, and the residue on the 1st of March, 1861.

The obligations surrendered have been Warrants exclusively, in all cases. It is not to be supposed that any person holding the obligations of the State, bearing an interest of 3 per cent. per month, would voluntarily surrender them in exchange for an issue paying but seven per cent. per annum.

A large proportion of our three per cent. Bonds will be absorbed in the payment of the Taxes of the current year, and the State will thus be relieved from a rapid accumulation of a large and onerous Interest Debt.

To liquidate the Civil Debt, our main reliance is upon our just and indubitable claim upon what is usually denominated the "Civil Fund;" being the revenue derived from the usual duties imposed upon foreign importations, and paid by our people, while our affairs were administered by a Military Government.

It would be but an act of simple justice, if Congress should devote a small portion of that fund to enable the State to discharge the liabilities incurred in supporting, successfully, a government from its organization, on the 15th of December, 1849, up to the date of her admission into the Union, September 9th, 1850, while we were virtually and constructively in a territorial condition, and the burdens of which should therefore be borne by the General Government.

The amount of this indebtedness of the State, from her organization to the period of her admission, is as follows :

Executive Department,	-	-	-	-	-	\$63,697 15
Legislative	"	-	-	-	-	217,198 94
Judicial	"	-	-	-	-	63,160 20
Miscellaneous	"	-	-	-	-	92,748 31
Total,	-	-	-	-	-	\$436,804 60

It is earnestly to be desired that this measure of relief will be no longer procrastinated by Congress, as that body has repeatedly and regularly made annual appropriations for the support of Territorial Governments elsewhere.

A bill was introduced for this purpose at its last session, and passed one branch thereof; but did not receive, in the other house, the consideration it so justly merited, for want of time. The assertion of our legitimate rights should be persisted in, and validity strenuously urged, until the same are recognized by Congress, and responded to with an appropriation commensurate with the just and equitable claims of the State against the parent Government. This money, when received, is to be paid into the Sinking Fund, and is therefore pledged to the redemption of our Funded Debt. This important accession to that fund, when effected, together with the surplus of the annual Interest Tax, will undoubtedly enlarge the Sinking Fund to an extent that will enable it, beyond all contingencies, to absorb and discharge our entire Funded Debt at its maturity.

I would here suggest that the legislation on this subject be so modified as to authorize the moneys in the Sinking Fund, that are accumulated from time to time, to be converted into our 7 per cent Bonds, instead of U. S. six per cent. stocks, as the law now contemplates, which would operate practically as a redemption of that emission, and attach a greater credit to our own stocks, than they could possibly attain were this virtual discredit continued.

Before closing this branch of the subject, I beg leave urgently to recommend the propriety of negotiating a loan to an amount sufficient to redeem our outstanding three per cent. Bonds and the interest due thereon.

A very large proportion will be absorbed in the payment of Taxes for the current year; but there will probably remain outstanding, on the 1st day of January next, the sum of one hundred and fifteen thousand dollars (115,000 +0,) with an accruing interest of fifty-eight thousand dollars, (\$58,000.)

Were the Legislature to authorize the negotiation of a loan for this purpose, to an extent not exceeding two hundred thousand dollars, it is believed that the same can be immediately concluded in our own State at twelve per cent. per annum, and the entire issue redeemed at once. This measure would effect an annual saving, in the shape of interest, of twenty-eight thousand dollars, (28,000,) and is believed to be perfectly feasible and practicable. Should this loan be obtained, and the proceeds paid into the Treasury, the Bonds should be redeemed by a warrant from the Comptroller upon the Treasurer, for the amount of principal and interest, as in other cases.



## VI.

## A TABULAR STATEMENT.

Showing, separately, the amount of each appropriation of Money made by law, the amount paid under the same, and the balance remaining unexpended on the 30th day of June, A. D., 1850.

ACTS.	Amount of the appropriation.	Amt of War-rants drawn on the same.	Balance unexpended.
1. An Act appropriating money out of the General Fund to defray the ordinary expenses of the State, &c., passed Feb. 12th, 1850.	\$409,551 91	\$409,551 91	
2. Also, same Act, an appropriation for the same purposes, to be expended after the 30th of June, 1851.	250,000 00	91,649 34	\$158,350 66
3. Common Council of San Jose, an Act appropriating money for their relief, passed March 28th, 1851.	50,353 00	50,353 00	
4. Appropriation for the State Marine Hospital at San Francisco.	887 60	887 30	30
5. An Act providing for certain Contingent expenses of the Senate, approved April 20th 1850.	1,046 31	310 00	736 21
6. An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General and Attorney General, to rent offices, approved Feb. 9th, 1850, balance,	15,621 67	14,572 33	1,049 34
7. An Act for the relief of Wm. Smith.	2,500 00	2,500 00	
8. An Act creating the Sacramento State Hospital, and Amendments, approved April 28th, 1851.	30,000 00	7,500 00	22,500 00
9. An Act authorizing a War Loan, and appropriating money for certain expenses, &c., approved Feb. 18th, 1851.	2,000 00	850 00	1,150 00
10. An Act to Fund the Debt of the State,	2,000 00		2,000 00
11. An Act providing for the Distribution of the Laws and Journals, approved April 23 1850.	1,975 00	1,975 00	
12. Removal of the Capital to Vallejo, appropriation to pay the expenses of the same.	1,500 00	1,500 00	
13. An Act passed February 7th, 1851, for the payment of J. C. Morehead, &c., Quarter Master General.	2,000 00	1,910 95	89 85
14. An Act for the Relief of W. H. Richardson.	1,180 00	1,180 00	
15. An Act making an appropriation for Rent and Contingent Expenses of Superintendent of Public Instruction's Office, passed May 1st, 1851.	1,000 00	963 00	37 00
	\$771,615 49	\$585,702 83	\$185,912 66
1. An Act authorizing the negotiation of a War Loan, to suppress Indian Hostilities, &c., passed Feb. 18, 1851.	\$500,000 00	\$225,000 00	\$275,000 00

[ V. ]

## STATEMENT

Showing the condition of the several Funds on the 30th day of June, A.  
D. 1851.

### GENERAL FUND.

CREDIT.

Receipts on account of Taxes of 1850,	-	-	-	-	-	\$257,208	23
“ “ Auction Sales,	-	-	-	-	-	40,158	70
“ State Assayer's Office,	-	-	-	-	-	1,106	07
“ Governor's Office Rent refunded,	-	-	-	-	-	1,235	00
“ Secretary of State,	-	-	-	-	-	187	25
“ Foreign Miner's Tax,	-	-	-	-	-	29,991	20
						<u>\$329,886</u>	<u>42</u>

## DEBIT.

Bonds redeemed, (3 per cent.,)	\$122,150	00	
Interest paid on Bonds redeemed,	34,419	18	
Governor's Contingent Fund,	3,196	50	
Warrants drawn on same,	580,345	03	
Contingent Fund Superintendent of Public Instruction,	1,000	00	
Balance of first Fiscal Year—(See former Report,)	53,505	42	\$794,616 13
Excess of Debits over Credits,			\$464,729 68

## GOVERNOR'S CONTINGENT FUND.

Amount of the limit,	\$5,000 00
Warrants drawn on same,	3,196 50
	<hr/>
Balance,	\$1,803 50

## SENATE CONTINGENT FUND.

Balance unexpended, . . . . .	\$1,046 31
Warrants drawn on same, . . . . .	311 00
	<hr/>
Balance remaining unexpended, . . . . .	\$736 31

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## CONTINGENT FUND SUPERINTENDENT PUBLIC INSTRUCTION.

Amount of the Appropriation, . . . . .	\$1,000 00
Warrants drawn on same, . . . . .	963 00
	<hr/>
Balance unexpended, . . . . .	\$37 00

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## STATE MARINE HOSPITAL FUND.

Amount received, . . . . .	\$887 60
Warrants drawn on same, . . . . .	887 30
	<hr/>
	30

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## WAR LOAN FUND.

Amount of the appropriation, . . . . .	\$500,000 00
Warrants drawn on same, . . . . .	225,000 00
	<hr/>
Balance unexpended, . . . . .	\$275,000 00

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## MILITARY FUND.

Amount received from Monterey County, . . . . .	\$22 40
	<hr/>
Balance unexpended, . . . . .	22 40

## VI.

[L.]

A TABULAR STATEMENT showing the amount of Revenue chargeable to each County for the preceding year 1850, the aggregate amount of each object of taxation, together with the tax due on the same.

Number.	Names of Counties.	Number of acres of land.	Value of same without improvement.	Value of improvements.	Total Value.	Am't of tax on same for State purposes.	Am't of tax on same for ordinary County purposes.	Am't of tax on same for County building purposes.	Total am't of tax on same for State & County purposes.
1	Branciforte,	102,841		\$18,550	\$54,285 00	\$271 42	\$135 71		\$407 13
2	Bate,	69,600	\$35,735					\$2,984 60	11,938 41
3	Contra Costa,	377,528	1,141,952	51,858	1,193,811 00	5,969 20	2,984 60		
4	Calaveras,								
5	Colusi,	Not organized.							
6	El Dorado,				535,808 00	2,679 04	1,339 52		4,018 56
7	Los Angeles,	990,240			738,211 00	3,691 05	1,895 52		5,586 57
8	Marin,								
9	Mariposa,								
10	Mendocino,	Not organized							
11	Monterey,	767,032	1,364,966	132,300	1,497,266 00	7,486 33	3,743 16	3,743 16	14,972 66
12	Napa,	214,034			700,914 00	3,504 57	1,752 28		5,256 85
13	San Francisco,	148,044	537,865	40,000	577,865 00	2,889 32	1,444 66	1,444 66	5,778 65
14	San Joaquin,	95,484	127,250		127,250 00	636 25	318 12	318 12	1,272 50
15	Sacramento,	159,250	203,085	26,300	231,385 00	1,156 92	578 41	578 41	2,313 85
16	Santa Clara,	189,319	3,235,675	624,250	3,859,925 00	19,299 00	9,649 81		28,948 43
17	San Luis Obispo,	390,179	306,575	25,763	332,338 00	1,661 49	830 74		2,492 23
18	Santa Barbara,	1,091,770	334,555		334,555 00	1,672 77	836 38		2,509 15
19	San Diego,	558,128	69,766	16,469	86,235 00	431 17	215 58	215 58	862 35
20	Solano,	167,260	333,362	2,900	336,262 00	1,676 31	838 15	838 15	3,352 62
21	Sonoma,								
22	Sutter,	402,549	287,490	33,130	520,620 00	1,603 10	801 55		2,404 65
23	Shasta,	Not organized.							
24	Tuolumne,								
25	Trinity,	Not organized.							
26	Yolo,								
27	Yuba,	82,190	143,292	21,686	109,840 00	549 20	274 60		823 80
					164,978 00	824 89	412 49		
		8,123,579	\$8,123,579	\$983,206	\$11,201,508 00	\$56,002 65	\$28,051 28	\$10,122 68	\$94,176 61



[M.]

## CITY OR TOWN LOTS, FOR THE YEAR 1850.

Number.	Names of Counties.	Value of City Town Lots, without im- provements.	Value of im- provements.	Total Value.	Am't of tax on same for State purposes.	Am't of Tax on same for ordinary County pur- poses.	Am't of Tax on same for County building purposes.	Am't of Tax on same for State & Coun- ty purposes.
1	Branciforte,							
2	Butte,	\$17,096	\$1,200	\$18,296	\$01 48	\$45 74		\$137 22
3	Contra Costa,	164,957	37,560	202,507	1,013 03	506 51	\$506 51	2,026 07
4	Calaveras,							
5	Colusi,							
6	El Dorado,			361,125	1,805 62	902 81		2,708 43
7	Los Angeles,			240,786	1,203 93	601 96		1,805 89
8	Marin,							
9	Mariposa,							
10	Mendocino,							
11	Monterey,	622,975	516,046	1,139,621	5,698 10	2,849 05	2,849 05	11,396 21
12	Napa,			52,365	261 82	130 91		392 73
13	San Francisco,			16,271,159	81,355 79	40,677 89	40,677 89	162,711 59
14	San Joaquin,	1,012,405	117,950	1,130,355	5,651 77	2,825 88	2,825 88	11,303 55
15	Sacramento,	6,798,844	875,700	7,674,544	38,372 72	19,186 36	19,186 36	76,745 44
16	Santa Clara,							
17	San Luis Obispo,	3,283	6,928	10,211	51 05	25 52		76 57
18	Santa Barbara,	61,050	67,100	128,189	640 99	220 49		961 48
19	San Diego,	14,400	90,350	104,750	523 75	261 87	261 87	1,047 50
20	Solano,	2,147,350	42,925	2,190,275	10,951 37	5,475 68	5,475 68	21,902 75
21	Sonoma,							
22	Sutter,	405,764	106,100	511,864	2,559 32	1,279 66		3,838 98
23	Shasta,							
24	Tuolumne,							
25	Trinity,							
26	Yolo,	1,177,215	109,350	1,286,565	6,432 82	3,216 41		9,649 23
27	Yuba,							
		\$12,425,339	\$1,971,899	\$31,322,712	\$156,613 56	\$78,306 78	\$71,783 24	\$306,703 58

## [N.] PERSONAL PROPERTY FOR THE YEAR 1850.

Number.	Names of Counties.	Value of Personal Property.	Amount of Tax chargeable on same for State purposes.	Amount of Tax chargeable on same for ordinary County purposes.	Amount of Tax chargeable on same, for County Building purposes.	Total amount of Tax on same for State and County purposes.
1	Branciforte,					
2	Butte,	\$195,713	\$978,56	\$489 28		\$1,467 84
3	Contra Costa,	605,992	3,029,96	1,514 98	\$1,514 98	6,059 93
4	Calaveras,	266,078	1,331,50	665 73		1,996 23
5	Colusi,					
6	El Dorado,	211,285	1,056 42	528 21		1,584 63
7	Los Angeles,	1,154,809	5,774,04	2,887 02		8,661 06
8	Marin,	268,682	1,343,41	671 70		2,015 11
9	Mariposa,					
10	Mendocino,					
11	Monterey,	994,326	4,971,63	2,485 81	2,485 81	9,943 26
12	Napa,	164,885	824,42	412 21		1,236 63
13	San Francisco,	4,772,160	23,860,80	11,680 40	11,680 40	47,721 60
14	San Joaquin,	563,884	2,819,42	1,409 71	1,409 71	5,638 84
15	Sacramento,	1,041,525	5,207,62	2,603 81	2,603 81	10,415 25
16	Santa Clara,	1,023,370	5,116,85	2,558 42		7,675 27
17	San Luis Obispo,	235,109	1,175,54	587 77		1,763 31
18	Santa Barbara,	529,932	2,649,66	1,324 83		3,974 49
19	San Diego,	205,825	1,029,12	514 56	514 56	2,058 25
20	Solano,	182,709	913,54	456 77	456 57	1,827 09
21	Sonoma,					
22	Sutter,	460,134	2,300,67	1,150 33		3,451 00
23	Shasta,					
24	Tuolumne,					
25	Trinity,					
26	Yolo,	159,862	799,31	399 66		1,098 97
27	Yuba,	922,517	4,612 58	2,306 29		6,918 87
		\$13,958,897	\$69,795 05	\$34,647 49	\$20,666 04	\$124,607 73

[O.]

## POLL TAX FOR THE YEAR 1850

Number	Names of Counties.	Number of Polls returned.	Poll Tax for State purposes.	Poll Tax for County purposes.	Poll Tax for State & County purposes.
1	Branciforte, . . . .	194	\$970 00	\$388 00	\$1,358 00
2	Butte, . . . .	408	2,040 00	1,020 00	3,060 00
3	Contra Costa . . . .	264	1,320 00	660 00	1,980 00
4	Calaveras, . . . .	1,652	8,210 00	8,210 00	16,420 00
5	Collusi, . . . .				
6	El Dorado, . . . .	1,401	7,005 00	4,203 00	11,208 00
7	Los Angeles, . . . .	520	2,600 00	1,560 00	4,160 00
8	Marin, . . . .	53	265 00	159 00	424 00
9	Mariposa, . . . .				
10	Mendocino, . . . .				
11	Monterey . . . .	342	1,710 00	855 00	2,565 00
12	Napa . . . .	102	510 00	255 00	765 00
13	San Francisco, . . . .	2,500	12,500 00	7,500 00	20,000 00
14	San Joaquin, . . . .	1,554	7,770 00	7,770 00	15,540 00
15	Sacramento . . . .	999	4,995 00	2,497 50	7,492 50
16	Santa Clara, . . . .	637	3,185 00	1,592 50	4,777 50
17	San Luis Obispo, . . . .	91	455 00	227 50	682 50
18	Santa Barbara, . . . .	232	1,160 00	580 00	1,740 00
19	San Diego, . . . .	62	310 00	186 00	496 00
20	Solano, . . . .	133	665 00	332 50	997 50
21	Sonoma, . . . .	221	1,005 00	502 50	1,507 50
22	Sutter, . . . .	1,112	5,560 00	3,336 00	8,896 00
23	Shasta, . . . .				
24	Tuolumne, . . . .				
25	Trinity, . . . .				
26	Yolo, . . . .	75	375 00	187 50	562 50
27	Yuba . . . .	5,736	28,680 00	17,208 00	45,888 00
		18,288	\$91,440 00	\$59,230 00	\$150,670 00

## RECAPITULATION OF TABLES MARKED [L.] [M.] [N.] [O.]

Number.	Names of Counties.	Value of lands with improvements.	Value of town and city lots with improvements.	Value of personal property.	Total value of real and personal property.	Tax on lands for State purposes.	Tax on town and city lots for State purposes.	Tax on personal property for State purposes.	Poll tax for purposes.	Total Am't of tax for State purposes.
1	Branciforte,			\$195,713	\$268,204	\$6,288 81	\$91 48	\$978 56	\$970	\$7,258 81
2	Butte, Costa,	\$54,285	\$18,296	615,992	2,002,410	271 42		3,029 96	2,040	3,381 46
3	Contra Costa,	1,193,811	202,697	266,078		5,969 26	1,013 03	1,331 50	8,210	11,332 20
4	Calaveras,				26,678					9,541 50
5	Colusi,									
6	El Dorado,		361,125	211,285	572,410			1,056 42	7,055	9,867 04
7	Los Angeles,	535 808	240,786	1,154,808	1,931,403	2,679 04	1,203 93	5,774 04	2,600	12,287 00
8	Marin,	738 211		268,682	1,006,893	3,691 05		1,343 41	265	5,299 46
9	Mariposa,	No return								
10	Mendocino,	Not organized								
11	Monterey,	1,497,266	1,139,621	994,326	3,631,213	7,486 33	5,698 10	4,971 63	1,710	19,866 06
12	Napa,	700,914	52,365	164,885	918,164	3,504 57	261 82	824 42	510	5,100 00
13	San Francisco,	577,805	16,271,150	4,772,166	21,621,184	2,889 32	81,355 79	23,860 80	12,500	120,605 91
14	San Joaquin,	127,250	1,130,355	563,884	1,821,489	636 25	5,651 77	2,819 42	7,770	16,927 44
15	Sacramento,	231,385	7,674,544	1,051,525	8,947,454	1,156 93	38,372 72	5,207 62	4,995	49,732 36
16	Santa Clara,	3,859,925		1,023,370	4,883,295	19,299 62		5,116 85	3,185	27,601 47
17	San Luis Obispo,	332,298	10,211	235,109	577,618	1,661 49	51 05	1,175 54	453	3,343 08
18	Santa Barbara,	334,558	128,189	529,932	992,676	1,667 77	640 94	2,649 66	1,160	6,123 37
19	San Diego,	86,289	104,750	205,825	396,810	431 17	523 75	1,029 12	310	2,294 04
20	Solano,	336,262	2,190,275	182,709	2,703,146	1,676 31	10,951 37	913 54	665	14,210 73
21	Sonoma,				1,187,672	5,938 86			1,005	7,043 36
22	Sutter,	320,620	511,864	460,134	1,292,618	1,603 10	2,559 34	2,300 67	5,560	12,023 09
23	Shasta,	Not organized.								10,023 72
24	Tuolumne,									
25	Trinity,			159,862	269,702	549 20		799 31	375	1,723 51
26	Yolo,	109,840		922,517	2,374,060	824 89	6,432 82	4,612 58	28,680	40,550 29
27	Yuba,	164,978	1,286,565							
		\$11,201,508	\$31,322,712	\$13,958,797	\$57,670,689	\$68,230 32	\$156,613 56	\$69,795 05	\$91,440	\$396,185 91



## TAXES OF 1850 AND THE DELINQUENCIES.

## REDUCTIONS AND PAYMENTS ON THE SAME.

Number.	Names of Counties.	Total State Taxes on real and personal property, and polls for 1850.	Tax on real and personal property returned delinquent.	Delinquent Poll Tax.	Total Delinquencies.	Reductions and corrections in assessments.	Amount paid into the State Treasury.
1	Branciforte,	\$7,258 81	\$657 66	\$510 00	\$1,167 66		\$5,766 03
2	Butte,	3,381 46					512 43
3	Contra Costa,	11,332 20	254 68	785 00	1,039 68		9,854 57
4	Calaveras,	9,541 50					
5	Colusi,						
6	El Dorado,	9,867 04	1,617 46	6,340 00	7,957 46		1,581 17
7	Los Angeles,	12,287 00	222 38	1,475 00	1,697 38		10,037 02
8	Marin,	5,229 45	277 90	190 00	467 90		4,553 50
9	Mariposa,						858 53
10	Mendocina,						
11	Monterey,	19,866 06	1,957 98	900 00	2,857 98		16,355 60
12	Napa,	85,100 00	306 74	165 00	471 34	145 03	4,149 92
13	San Francisco,	120,605 91	12,637 65	10,650 00	23,287 65		94,876 95
14	San Joaquin,	16,927 44	724 25	5,870 00	6,594 25	1,717 98	8,041 56
15	Sacramento,	49,732 36					44,690 31
16	Santa Clara,	27,601 47	2,726 30	110 00	2,836 30	1,242 04	22,694 07
17	San Luis Obispo,	3,343 08	119 32	30 00	149 32		2,667 74
18	Santa Barbara,	6,123 37	125 62	376 50	502 12	81 59	5,086 87
19	San Diego,	2,294 04	29 68		29 68		1,792 00
20	Solano,	14,210 73	3,658 98	435 00	4,093 98		9,580 99
21	Sonoma,	7,043 36	1,322 35	533 00	1,857 35		4,772 43
22	Sutter,	12,023 09	2,213 96	4,325 00	6,538 96		4,772 38
23	Shasta,						
24	Tuolumne,	10,023 72					4,681 88
25	Trinity,						
26	Yolo,	1,723 50	147 88	35 00	182 88		1,308 20
27	Yuba,	40,550 29			30,304 00	815 81	8,847 22
		\$396,135 91	\$29,000 76	\$32,731 50	\$92,036 26	\$4,003 35	\$267,501 37

It will be discovered that the returns for the year 1850 are incomplete in some particulars, and from the county of Mariposa no returns have been received whatever. It is my design to submit a supplementary report, a complete abstract of the returns made to this office of all taxable property listed for the year 1851, as soon as the same shall have been received from the several County Auditors, and also to embody in the same report full information with regard to the disbursements of the State, from the close of the late fiscal year up to this date, and such other statistical matter as may be deemed necessary to a perfect understanding of the subject of our financial affairs, and a wise and intelligent legislation with regard thereto. The Revenue Law of this year was enacted on the last day of the session, (May 1st,) and as some time necessarily elapsed before its general circulation throughout the State, the assessments were therefore commenced at

a very late period in many counties, but it is expected that abstracts from the Auditors of most of the counties will have been received by the close of this month, affording more minute and detailed information with regard to the subject, than has heretofore been obtained, in accordance with instructions contained in a circular, accompanied with blank forms, issued from this Department in July last, and addressed to County Auditors and Treasurers.

## VII.

## A TABULAR STATEMENT,

Exhibiting the amount of Auction Sales, in different Counties, together with the amount of Duties chargeable thereon, as reported to the Comptroller by the Auctioneers for the last fiscal year.

Number.	Names of Counties.	Amount of Sales subject to a duty of 2 per cent.	Amount of Sales subject to a duty of 1½ per cent.	Amount of Sales subject to a duty of 1 per cent.	Amount of Sales subject to a duty of ½ per cent.	Total amount of sales reported for the year.	Amount of Duties charged on same.
1	El Dorado,			\$1,942 00		\$1,942 00	\$19 42
2	Los Angeles,			1,866 00		1,866 00	18 66
3	Monterey,	\$4,611 84	\$30,069 03	26,617 93	\$8,100 00	69,398 80	774 68
4	Sacramento,	66,405 21	79,707 42	688,326 27	21,674 00	856,110 80	9,378 81
5	San Joaquin,	610 00	2,160 00	265,522 00		268,292 00	2,699 81
6	Santa Clara,			9,897 00		9,897 00	98 97
7	San Francisco,	147,826 11	517,619 60	2,185,401 20	321,511 40	3,172,358 31	34,283 31
8	Yuba,	13,747 00		88,050 76		101,797 76	
9	Tuolumne,	404 24		1,724 97	1,060 00	3,189 21	30 60
		\$233,604 40	\$629,556 05	\$3,269,348 13	\$352,342 80	\$4,484,751 48	\$47,304 28

Total duties on the amount reported by the Auctioneers for the year, . . . . . \$47,304 28  
 Amount collected and paid in by the Treasurer of San Francisco County, but not reported or included in the above table, . . . . . 2,044 73  
 \$49,349 01

We have therefore, in round numbers, fifty thousand dollars as the annual proceeds of the Auction Tax, which could be materially increased, were the law thoroughly and efficiently enforced by the County Treasurers throughout the State.

## GENERAL REMARKS.

## OUR WAR DEBT.

The last Legislature, in the absence of adequate provision being made by the General Government for the discharge of its recognized duty, in the defence of our frontiers against the hostile aggressions of the several Indian tribes inhabiting our borders, authorized the issue of War Bonds to the amount of five hundred thousand dollars, at a rate of interest not exceeding 12 per cent, per annum, and subsequently appropriated the proceeds of the same, as a War Loan Fund, to the payment of the troops that have been called into service by your order, for the purpose of repelling those incursions and protecting our citizens from the consequences necessarily attending hostilities from that source.

As directed by the 9th section of the Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, passed March 7, 1851, I have drawn on that Fund up to the close of the late fiscal year, for the sum of one hundred thousand dollars in favor of William Rogers, Paymaster of the first El Dorado Expedition; and also the sum of one hundred and twenty-five thousand dollars, (125,000,) in favor of William Foster, Paymaster of the Gila Expedition.

Since that period and up to the date of this report, by virtue of the authority vested in me by the 5th section of the Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation: passed March 17, 1851, I have drawn Warrants from Nos. 1 to 881, inclusive, upon the War Loan Fund, for the amount of various claims that had been duly examined by the Board of Examiners, composed of the Comptroller and Treasurer of State conjointly; and legally approved by them and filed to the aggregate amount of *two hundred and thirty thousand one hundred and forty-eight dollars and eighty-five cents*, (230,148 \$5,) the same being for the liquidation of what is usually denominated the Mariposa Expedition; also Warrants from Nos. 882 to 904, inclusive, for the aggregate sum of \$3,226 94 in payment of the Monterey County Expedition; all of which have been delivered to the Paymaster for distribution to the persons respectively entitled thereto.

These particulars are concisely exhibited as follows:

Amount of the War Loan Fund, 1851,	-	-	\$500,000 00
March 26. Warrant in favor of Wm. Rogers,			
Paymaster,	-	-	\$100,000 00
April 8. Warrant in favor of William Foster,			
Paymaster,	-	-	125,000 00
			225,000 00
Balance June 30, 1851,	-	-	\$275,000 00
Dec. 15, Warrants to date for Mariposa Ex-			
pedition,	-	-	\$230,148 85
Warrants to date for Monterey Expedition,	-	3,226 94	\$233,375 79
Balance unexpended, Dec. 15, 1851,	-	-	\$41,621 21

The claims that are already filed for the inspection of the Board of Examiners, founded on supplies furnished, and services performed, for the Mariposa Expedition, and awaiting explanation and examination in relation thereto, will probably absorb ten thousand of this balance.

With reference to the expense of the organization and subsistence of the troops called into service by your order, under the provisions of the Act passed March 17th, 1851, in the County of El Dorado, under Col. Rogers, and in the County of San Diego, under Gen. Bean, I would remark that no claims, accounts, or vouchers whatever, of the expenses incurred in the same, have as yet been presented to the Board of Examiners by the Paymaster, and filed in this office; and it is impossible at this time, in the entire absence of any reliable data, to submit any estimate in relation to the same that may be anything near an accurate approximation to their ultimate cost. Whenever the same shall be reported and filed, a statement of the amount of these liabilities, as far as ascertained, will be immediately submitted for your consideration, and for such legislative action in reference thereto as may be deemed proper.

If the General Government had rigidly and faithfully discharged its obligations towards our young State, and stationed a sufficient number of troops upon this portion of the Pacific coast, adequate to its protection from the injurious effects of the repeated hostile demonstrations of our neighboring Indian tribes, we should have been relieved of this large War debt, which has otherwise accumulated against us.

The necessities of the case were so imminent, that the State was obliged to undertake the duties of the Nation; and the latter is therefore bound in honor to assume the entire debt, or make an appropriation for our benefit, sufficient to discharge the liabilities that have been necessarily incurred in the prosecution of duties that have been devolved on the State by reason of the national Government.

This claim should be zealously and constantly urged upon the attention of Congress, until it is promptly met with such liberal legislation as will completely relieve us from the pecuniary embarrassments incident to the contraction of a debt for purposes entirely within the province of, and solely incumbent upon, the national Government to assume.

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### DELINQUENCIES.

At the March term, 1851, of the District Court of the County of Tuolumne, a judgment was obtained in behalf of the State against L. A. Besangon, and Robert Semple, one of the sureties on his official bond, for the amount stated to be due from him in my last annual report, as a delinquent Collector of licenses to foreign miners. The District Attorney reports that he was unable to effect a service of process on the other sureties, although he had made diligent efforts for that purpose; and further, that it is doubtful whether, at present, anything can be realized from this judgment.

On the 11th of April last, I enclosed the necessary papers to the District



Attorney for the 5th district, and directed suit to be instituted upon the official bond of D. J. Woodlief, a delinquent Collector of foreign miners' license for the County of Calaveras.

There was due from him on the 9th of that month, a balance of \$9,346 93, together with 25 per cent. damages thereon, \$2,336 73, amounting in all to \$11,683 66; and the legal interest from that date, as exhibited by an official statement from the Treasurer of the State.

Pursuant to these instructions suit was immediately commenced, and at the October term, 1851, of the District Court of that County, a judgment for the full amount due the State was rendered against said Woodlief, he being the only defendant upon whom service of process had been effected.

The District Attorney for that District informs me, under date of Nov. 6, that he had proceeded against the sureties, and will efficiently press this matter to final judgment and execution.

On the 7th of August last I forwarded the proper evidence to the District Attorney of the 5th district, and directed suit to be commenced on the official bond of the Treasurer of Calaveras County, for not appearing on the 1st of June, to make any settlement or payment whatever of the taxes due from that county for the preceding year, or in any way accounting therefor.

Under the statute he stood indebted for the whole amount of the Duplicate returned to this office as follows :

State Taxes on Real and Personal Property, - - - -	\$1,331 51
Taxes on 1642 assessed, at \$5 each, - - - -	8,210 00
	<hr/>
	\$9,541 37
25 per cent damages thereon, }	
Interest from June 1, 1851, at 10 per cent. }	2,385 37

On the 6th of November, I was advised by the District Attorney of Calaveras County, that but a short time previous, he had received from his predecessor in office, the papers and instructions in reference to this case, issued by this Department, and had immediately instituted suit against said Treasurer and his sureties upon their bond, and would prosecute the same with due diligence. A judgment will probably be obtained some time during the present term of the District Court of that county.

On the 20th of August, D. A. Eugene, Treasurer of Tuolumne County, appeared and made settlement of his accounts for the previous year, and paid over all the moneys due the State—as appears by his own report of moneys received—excepting the sum of \$5,139 26, which balance he claimed to retain to meet a bill preferred against the State for that amount by said county, for subsistence of criminals sentenced to confinement in the State Penitentiary, and remanded to the County Jail for safe-keeping, which bill had been allowed by the Court of Sessions of that county, and improperly ordered to be reserved from the State's proportion of the taxes then collected.

Deeming this reservation entirely unauthorized and beyond my province to allow, I subsequently directed the District Attorney of Tuolumne County to commence proceedings upon the official bond of said Treasurer, for the recovery of that balance of \$5,139 26—which has been done, and the

cause continued until the February term, 1852. Mr. Eugeneart evinces an entire willingness to pay this balance as soon as he could be satisfied that he could not be legally justified in its retention.

I close this subject with the general remark, that the official bonds taken in many cases, have proven very unsatisfactory and insufficient, in point of pecuniary responsibility of the sureties; and no confident hopes need be entertained of the collection of anything more than a limited proportion of these delinquencies.

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### STATE PRINTING.

This continues to be a large item in our disbursements, amounting, as will be seen by reference to the first six items of the exhibit of the last fiscal year, marked (E), to \$100,923 51, including the bound volumes of the Laws and Journals of the first Legislature.

The late Legislature authorized the publication of the general Laws passed at that session in six distinct newspapers, the bills for which have mostly been audited, and will fully amount to \$43,300, being the sum estimated in exhibit "F."

These laws could have been published in pamphlet form, and thoroughly distributed at a cost not exceeding one-fourth of this sum. An imperious necessity exists in a thorough reduction and retrenchment of this enormous expenditure.

The system of disposing of the State Printing by contract, to the lowest bidder, is respectfully submitted for your consideration.

It is believed that greater economy, as well as expedition, can be attained by leaving the execution of this work open to a full and free competition. Let propositions be invited for the printing of an adequate quantity of the general laws, to be set up and published from time to time, as soon as they are enacted, and let a limited number be mailed to the Clerks of the several counties for immediate reference thereto, and provide that the remainder of the edition be plainly bound immediately after the adjournment of the General Assembly, and forwarded at once to the County Clerk for distribution.

The plan suggested, will ensure a general circulation of the Laws at a much earlier period than can be effected by any other mode; is far more convenient and permanent than that of a reliance upon newspaper files, and will accomplish more on the score of economy, in avoiding the extravagant expenses attending their publication in the Atlantic States, and their transportation here. But whatever course may be determined upon by the Legislature, it is earnestly suggested that any further experiments in extending the circulation of the laws by newspaper publication, upon the system adopted at the close of last session, be abandoned, as decidedly objectionable in point of facility for reference, perishable in their nature, and an unnecessary charge upon the State; and that proposals be invited for the publication and distribution of the general Laws according to the suggestions herein offered; also, for the execution of the necessary Legis-

lative printing—the whole to be awarded to the lowest responsible bidder.

The printing of the Journals of the Senate and Assembly, is believed to be a work of but little practical utility, it being but rarely referred to, and it is respectfully recommended that their publication be discontinued until the State is relieved from its present pecuniary embarrassments.

If these suggestions are adopted, there will be effected an *annual saving* to the State, in the item of printing, of the sum of *forty thousand dollars*.

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### AMENDMENTS TO LAWS.

A revision of the present Revenue law is urgently demanded, in view of the ambiguity of its provisions with regard to the relative duties of Sheriffs and Treasurers, and many other matters which will be readily suggested on a consideration of the subject. County auditors should be required to transmit to the Comptroller a full and complete transcript of the annual duplicate, as compiled from the materials furnished by the assessors, in addition to the mere abstract of the same, as is contemplated by the present law. These returns of the delinquent list, should be equally minute and specific, in order to afford the information requisite for a just and accurate settlement with the several counties, on account of the collection of State revenue. In connection with this subject, I would recommend the *entire abolition* of the office of County Treasurer.

Sheriffs have been made the legal collectors of the State and County Taxes, for which they receive a liberal compensation, and should be required to settle directly with this office, and make their immediate payments into the State Treasury on an order from the Comptroller, instead of permitting the public funds collected to be transferred into the hands of an intermediate officer, to be by him accounted for, thereby reducing the danger of losses to be apprehended from delinquencies, or other neglect of official duty, and effecting an absolute saving to the Treasury of the State, of the compensation allowed County Treasurers. In view of this diminution of risk and hazard incurred by the State in the collection and safe-keeping of her revenue, which would thus be attained, as well as on the score of its economy, the office of County Treasurer would seem to be a useless appendage, and its entire duties could with propriety be devolved on the Sheriff, who, by the existing law, is made the collector of all revenue except the Auction and Gaming duties, and the office abolished.

I would here repeat the suggestions made in my last annual report, with regard to the repeal of the law authorizing the accounts of the District Court Clerks, for certain stationery and furniture, to be audited as a charge upon the State Treasury. These are just and legitimate County charges, and are certainly an unnecessary burthen upon the finances of the State. I would also reiterate the recommendation with regard to an alteration in the law authorizing the Comptroller to draw Warrants upon the Treasurer. Their

transfer for the purpose of circulation should be prohibited until they have been presented to the Treasurer and registered in all cases.

It is proper in this connection to review the recommendation heretofore made with regard to payments of any moneys into the Treasury, or moneys being drawn therefrom, without a Warrant in all cases from the Comptroller. The late General Assembly, by Joint Resolution, March 17th, 1851, authorized the Treasurer to draw upon the "Tax Collector of Santa Barbara County, in favor of Hon. Pablo de la Guerra, for such amount as he may pay the Postmaster of San Jose, on account of the Postage expenses of the Legislature."

The sum of five hundred dollars has been drawn for under this resolution, and a check for that amount has, of course, been received from the Treasurer of Santa Barbara County, on settlement, as so much money. There is nothing on the books of this office to exhibit the transaction hereafter as a legal expenditure, or in any way to explain the same; and to remedy the difficulty, the Comptroller should be empowered to issue a Warrant for that amount upon the Treasurer, and thereby avoid the discrepancy which will otherwise exist between the books of these officers.

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### THE MILITIA.

I have to reiterate the opinion expressed in my last annual communication, with regard to the utter inefficiency of the law providing for the organization of the Militia. Since the foundation of our State Government, there has been realized and paid into the "Military Fund," but the meagre sum of \$22 40, collected as commutation tax in the County of Monterey.

There has been exhibited throughout the State an entire and universal reluctance to pay this tax, and up to this time no other returns upon this subject have ever been received at this office, nor has there ever been a single Warrant issued by me on the Paymaster General. I recommend the unconditional repeal of the entire law, and that the duties of Adjutant General and Quartermaster General be devolved upon the Secretary of State and Treasurer respectively. County Assessors should be required to report annually the number of persons subject to military duty in their respective counties; and in case of necessity, they could be called out and organized as Volunteers wherever an emergency should occur that might demand it.

Our entire reliance has heretofore been and must continue to be upon Volunteers, instead of the present antiquated and cumbrous organization of the Militia.



## RETRENCHMENT.

The last Legislature enacted a law making a material reduction in the salaries of all those officers who receive their pay out of the State Treasury.

This law operates immediately on the termination of the incumbencies then existing, and so far as the officers of State are concerned, will go into operation in January next. This retrenchment of our annual expenses should be carried still further.

The whole system of creating Clerks to the several Committees of the Senate and Assembly is a source of unnecessary and useless expenditure. There was expended for this purpose during the last Session the sum of \$14,253 00. It is believed that this system prevails in but very few State Legislatures, and then only to a limited extent, is not demanded by any necessity that has heretofore existed and could with propriety be abolished. The contingent expenses appertaining to the several departments of the Government, would also be materially reduced, if proposals were authorized to be invited for the items of Fuel, Stationery, &c., to an extent necessary for their supply for the period of a year. But by far the most extensive reduction could be made in the item of State Printing, under the suggestions offered upon this subject in the preceding pages of this report.

No rate of taxation can possibly be collected that will justify the enormous and disproportionate expenditure for the execution of this work, that has heretofore obtained in our State.

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OUR FINANCIAL CONDITION.

The real difficulty that affects the finances of the State, arises from the insecurity of Land Titles, the large Territorial possessions in our midst, claimed by the General Government: their consequent immunity from State Taxation, and the transient and movable character of our population, rendering the collection of the tax imposed per capita, impracticable and impossible to a certain extent. While the financial resources of our State are materially diminished from these causes, we are at the same time encumbered with all the expenditures necessarily incident to the maintenance of an efficient State Government over a large extent of territory. The removal of these impediments to a healthy financial condition will be the work of time, and should our just and equitable claims upon the General Government be favorably adjusted, we shall be placed in possession of ample means to discharge our funded debt at its maturity, relieve ourselves of the burden of the War Debt, and be able to liquidate on demand with the proceeds of ordinary taxation, all the annual expenses appertaining to an economical and judicious administration of the State Government.

Very Respectfully, your obedient servant,

JNO. S. HOUSTON.

QUARTER MASTER GENERAL'S OFFICE, }  
 San Jose, Dec. 15th, 1851. }

# NUMBER OF GUNS AND ACCOUTREMENTS RECEIVED.

RECEIVED OF CAPT. SCHAEFFER, U. S. A.:

200 Percussion Muskets and Appendages.  
 198 " Rifles " "  
 100 " Colt's Pistols and Appendages.  
 200 Cartridge Belts and Plates.  
 200 Waist Belts and Plates.  
 200 Gun Slings.  
 200 Cap Pouches.  
 230 Rifle Cartridge Boxes and Plates.  
 200 Waist Belts and Plates.  
 230 Gun Slings.  
 230 Cap Pouches.  
 5000 Percussion Caps for small arms.  
 5000 " " for Colt's Pistols.  
 3 Colors.

RECEIVED OF JOHN G. MARVIN, A. Q. M., OF CAL. VOL.

97 Muskets.  
 86 Cartridge Boxes.  
 75 Bayonet Scabbards.  
 135 Waist Plates.  
 54 Breast Plates.  
 85 Cartridge Belts.  
 37 Waist do.  
 200 Gun Flints.  
 3000 Musket Ball Cartridges.

ISSUED, JUNE 27, 1851.

To JOHN M. MURPHY:

40 Rifles and Appendages.

ISSUED, AUGUST 7, 1851.

To Gen. J. M. ESTILL:

6 Large Colt's Pistols and Appendages.  
 6 Belts and Plates.  
 1 Pair Bullet Moulds.  
 1 Box Percussion Caps.

To WASHINGTON GUARDS :  
25 Muskets and Appendages.

To CALIFORNIA GUARDS :  
100 Muskets and Appendages.

To SAN JOAQUIN GUARDS :  
75 Muskets and Appendages.

To the Order of His Excellency, JOHN McDUGAL, Gov. of California :

100 Rifles and Appendages.  
75 Colt's Pistols and Appendages.  
3000 Musket Ball Cartridges.  
2000 Rifle Caps.  
2000 Pistol Caps.

#### AMOUNT PAID OUT.

1851, Aug. 1.	Paid sloop New York freight on 20 boxes arms,	\$40 00
13.	" H. Dupaire, for hauling same,	16 00
Sept. 30.	" " " "	60 00
July 1.	" Hawley & Co. - - -	17 00
		<hr/>
		\$133 00

No receipts for the Arms issued to the Washington Guards, California Guards and San Joaquin Guards.

Two hundred muskets liable to be seriously damaged for want of attention in the hands of B. F. Harley, at San Francisco.

Office at Vallejo, \$250 per month.

Office rent commenced at this place, November 1st, at \$300 per month.

Twelve of the muskets received of Mr. Marvin, short of ramrods ; three do short of bayonets. I would suggest the necessity of employing an Armorer.

Yours, most respectfully,

W. H. RICHARDSON, Q. M. G.

## RULES AND ORDERS OF THE SENATE.

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I. The President having taken the Chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake therein may be corrected.

II. After the reading and approving of the same, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Motions, Resolutions and Notices.
7. Third reading of Bills.
8. Unfinished business of the preceding day.
9. Special orders of the day.

III. Messages from the Governor, State officers, and from the Assembly may be considered at any time.

IV. The President shall cause the Secretary of the Senate to make a list of all bills, resolutions, reports of committees and other proceedings of the Senate, which are committed to a committee of the whole of the Senate, and which are not made the order of the day for any particular day ; which list shall be called "the general orders of the day."

V. All questions relating to the priority of business, shall be decided without debate.

VI. When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

VII. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journal or public papers are reading ; and while the President is putting the question, no Senator shall walk out of or across the house, nor while a Senator is speaking, pass between him and the Chair.

VIII. The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President ; but such substitute shall not lose the right of voting on any question while so presiding.



IX. Every member, when he speaks, shall address the Chair, standing in his place. No member shall speak more than twice in any one debate on the same day, without leave of the Senate.

X. When two or more members rise at once, the President shall name the member who is first to speak.

XI. No motion shall be debated until the same be seconded, and it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read by the President or Secretary, before the same shall be debated; but it may be withdrawn at any time before decision or amendment.

XII. While a question is before the Senate, no motion shall be received, unless to lie on the table, for amendment, for postponing it, to commit it, or to adjourn; and a motion for adjournment shall always be in order, and shall be decided without debate.

XIII. If the question in debate contain several points, any member may have the same divided.

XIV. A motion for commitment, until it is decided, shall preclude all amendments of the main proposition.

XV. Every bill shall be introduced by motion for leave, or by order of the Senate, on the report of a committee; and one day's notice, at least, shall be given of an intended motion for leave to bring in a bill, unless the Senate unanimously consent.

XVI. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second or third, which reading shall be on different days, unless the Senate unanimously direct otherwise. No bill shall be amended or committed until twice read; and all resolutions which propose an amendment to the Constitution, shall pass through the same forms as are prescribed for other joint resolutions, and conformably to the Constitution.

XVII. Upon a call for the ayes and nays, the names of those who voted for or against a question, shall be entered alphabetically in the Journal, *if two members require it*; and each member called upon, unless for special reasons he be excused by the Senate, shall declare openly and without debate, his assent or dissent to the question.

XVIII. All committees of the Senate, and all joint committees on the part thereof, for the present session, shall be appointed by the President. All standing committees may, if they chose, select their own chairman.

XIX. In forming a committee of the whole Senate, a chairman to be named by the President, shall preside. Bills committed to a committee of the whole Senate, shall, in committee of the whole, be read by sections. All amendments shall be noted, and reported to the Senate by the Chairman.

XX. The rules of the Senate shall be observed in committee of the whole, so far as may be applicable, except limiting the number of times of speaking, and except that the number of ayes and nays shall not be taken.

XXI. A motion that the committee rise, shall always be in order, and shall be decided without debate.

XXII. No amendment shall be received for discussion, at the third reading of any bill, resolution or amendment of the Constitution, unless by unanimous consent; but it shall at all times be in order, before the final passage of any bill, resolution or constitutional amendment, to move its commitment or re-commitment.

XXIII. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

XXIV. When a blank is to be filled, and different sums or time shall be proposed, the question shall be taken on the highest sum and the longest time.

XXV. No member shall absent himself from the service of the Senate, without leave first obtained; and in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as a majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund, and this rule shall apply as well to the first conventions of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

XXVI. When a question has been once put and decided, it shall be in order for any member voting in the majority, to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate, announcing its decisions; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

XXVII. The following Standing Committees shall be appointed :—

1. A Committee on Claims.
2. " Finance.
3. " the Judiciary.
4. " Militia.
5. " County Boundaries.
6. " Elections.
7. " State Prison.
8. " Public Printing.
9. " Corporations.
10. " State Library.
11. " Engrossed Bills.
12. " Public Buildings.
13. " Education.
14. " Roads and Highways.
15. " Agriculture.
16. " Contingent Expenses of the Senate.
17. " Commerce and Navigation.
18. " Public Lands and Mission Claims.
19. " Indian Affairs.
20. " Enrolled Bills.
21. " Mines and Mining Interests.

XXVIII. When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

XXIX. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of any member, require secrecy, the President shall require all persons, except the members and Secretaries of the Senate, to withdraw ; and during the discussion of said motion, the doors shall remain shut ; and every member and officer of the Senate shall keep secret all such matters, proceedings and things, whereof secrecy shall be enjoined by order of the Senate.

XXX. The Committee on Engrossed bills shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report when they find them correctly engrossed. Reports from the committee on engrossed bills shall at all times be in order.

XXXI. When a resolution shall be offered on a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz :

1. The Committee of the whole Senate.
2. A Standing Committee.
3. A Select Committee.

XXXII. In all cases not provided for by these rules, the parliamentary



practice, as laid down in Jefferson's Manual, and the rules of the Senate of the United States, is hereby adopted.

XXXIII. The hour of meeting of the Senate shall be 11 A. M., of each day, (Sundays excepted,) and in case any other is named, it shall be applicable only to the one day, and shall not affect this rule beyond the day named for a different hour of meeting.

XXXIV. The rooms, passages, and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, and all papers, bills, &c., of the Senate; also, shall see that all officers of the Senate perform their respective duties, and shall also appoint the necessary Pages and Laborers of the Senate.

XXXV. When any member is absent without the bar of the Senate, or of the Senate room, when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be taken unless agreed to by two-thirds of the members present; nor shall a member be counted on a division of a vote, who was absent, or without the bar of the Senate without leave.

XXXVI. No suspension of the rules shall be made without the concurrence of two-thirds of all the members present; Nor shall any additional rule, or any amendment of a rule, without one day's notice, and the concurrence of two-thirds of the members present.

XXXVII. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

XXXVIII. When the yeas and nays shall be taken on any question, in pursuance of the above rule, no member shall be permitted under any circumstance whatever, to vote after the decision is announced from the chair.

XXXIX. All bills reported by a committee, or by leave, shall, after the first reading, be printed for the use of the Senate; but no other paper or document shall be printed for the use of the Senate, without special orders.

XL. All bills, on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

XLI. The final question, upon the second reading of every bill, resolution or constitutional amendment, or motion originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time;" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any



such bill, resolution, constitutional amendment or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or other motion, shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall then be again put.

XLII. The titles of the bills, and such parts thereof only as shall be affected by the proposed amendments, shall be inserted in the journals.

XLIII. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible—care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the journal.

XLIV. Messengers are introduced in any state of business, except while a question is being put, while the yeas and nays are calling, or while the ballots are counting.

XLV. The reporters shall be placed on the floor of the Senate, under the direction of the President.

XLVI. In case of any disturbance or disorderly conduct in the galleries or lobbies, the President (or chairman of the committee of the whole Senate) shall have power to order the same to be cleared.

XLVII. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XLVIII. On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XLIX. A President, *pro tempore*, shall be elected, whose powers shall be co-extensive with the President, and shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate.

L. When the Senate is equally divided, the Secretary shall, in conformity to the Constitution, take the vote of the President.

## STANDING COMMITTEES.

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- Claims*—Messrs. Snyder, Lott, and Miller.  
*Finance*—Messrs. Broderick, Hubbs, Soule, Sprague, and Estill.  
*Judiciary*—Messrs. Cooke, Anderson, Tingley, Sprague, Keyser, Broderick, Keene, and Van Buren.  
*Militia*—Messrs. Fry, Warner, and McKibben.  
*County Boundaries*—Messrs. Keyser, Foster, and Wambough.  
*Elections*—Messrs. Miller, Tingley, and Cooke.  
*State Prison*—Messrs. Walsh, Broderick, and Roach.  
*Public Printing*—Messrs. Lott, Foster, and Cooke.  
*Corporations*—Messrs. Ralston, Snyder, and Lind.  
*State Library*—Messrs. Lind, Hubbs, and Ralston.  
*Engrossed Bills*—Messrs. Van Buren, McKibben, and Lott.  
*Public Buildings*—Messrs. Sprague, Lind, and Roach.  
*Education*—Messrs. Soule, Van Buren, and Keene.  
*Roads and Highways*—Messrs. Wambough, Lewis, and Miller.  
*Agriculture*—Messrs. Foster, Walton, and Lewis.  
*Contingent Expenses*—Messrs. Keene, Foster, and Fry.  
*Commerce and Navigation*—Messrs. Hubbs, Van Buren, Walsh, and Roach.  
*Public Lands*—Messrs. Anderson, Snyder, Walsh, Estill, Lind, Keene and Sprague.  
*Indian Affairs*—Messrs. Estill, Lewis, Walton, Warner, Lott, Fry, and Wambough.  
*Enrolled Bills*—Messrs. Roach, Ralston, Soule, McKibben, and Hubbs.  
*Missions and Mission Lands*—Messrs. Warner, Wambough, De la Guerra, Roach, and Keyser.  
*Mines and Mining Interests*—Messrs. Van Buren, Keyser, Walsh, Anderson, and Lewis.  
*State Hospitals*—Messrs. Robinson, Lott, Van Buren, Snyder, and Keene.  
*Select Committee on Vallejo Claims*—Messrs. Walsh, Lind, Roach, Fry, and Lott.

JOINT RULES AND ORDERS  
OF THE  
SENATE AND ASSEMBLY,  
ADOPTED AT THEIR THIRD SESSION, HELD AT THE CITY OF SACRAMENTO,  
JANUARY 5, 1852.

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1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall at a convenient hour to be agreed upon by their chairman, meet in their conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper and under the signature of the Secretary or Clerk of each House respectively.

6. After a bill shall have passed both houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the Governor of the State.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

8. After examination and report, each bill shall be signed in the respec-

tive houses, first by the Speaker of the Assembly, then by the President of the Senate.

9. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the Governor of the State for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate,) and shall be entered on the journals of each house. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journals of each house.

10. All orders, resolutions and votes, which are to be presented to the Governor of the State, for his approbation, shall also in the same manner be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee as provided in the case of bills.

11. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

12. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the house in which the same shall have passed.

13. When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that house in which it shall be renewed.

14. Each house shall transmit to the other, all papers on which any bill or resolution shall be founded.

15. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill or resolution that shall have passed the Assembly, and Senate, shall be presented to the Governor for his approbation on the last day of the session.

17. When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.

18. No spirituous liquors shall be offered for sale, or exhibited within the Capitol, or on public grounds adjacent thereto.



REPORT OF COMMITTEE  
ON THE  
CLAIMS OF MR. J. E. N. LEWIS.

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*Mr. President:*

The Select Committee to whom was referred the claims of Mr. J. E. N. Lewis to a seat in the Senate, as Senator, from the counties of Butte and Shasta, would respectfully report that, they have had the same under consideration and have ascertained the following facts. On the 4th day of April, 1850, an act passed the Legislature of this State, and became a law, entitled "An Act to regulate Senatorial and Assembly Districts."

That the 15th section of the said Act is in these words, to wit: "The counties of Butte and Shasta shall be the Fifteenth Senatorial district, and elect one Senator; and each county, one Member of Assembly."

That the 16th section of said Act provides that "at the second general election, to be held in the year one thousand eight hundred and fifty, and thereafter, every two years, said 15th district, composed of the counties of Butte and Shasta, shall elect one member of the Senate."

That in accordance with the provisions of said Act, said 15th district did elect one Senator, who took his seat in the Senate of 1851, and that said office will not expire until January, 1853. That during the session of the Senate, said senator from Butte and Shasta resigned his seat. That after the resignation of the said senator, and during the vacancy occasioned by his resignation, to wit: on the 1st day of May, 1851, the legislature passed an act which became a law, entitled "An Act to apportion the Senatorial and Assembly districts." That in said act no mention is made of the district composed of the counties of Butte and Shasta, but that the 17th section of said act provides that, "The county of Butte shall be the 17th Senatorial district, and shall elect one Senator and three members of the Assembly." Section 18th of the act provides that "The county of Shasta shall be the 18th Senatorial district, and shall elect one Senator and two members of the Assembly."

That the 23d section of said act provides that "said 17th and 18th Senatorial districts, among others, should elect each one senator at the next general election, viz: the general election of 1851." That in accordance with the provisions of the said act, the 17th Senatorial district, consisting of the county of Butte, did elect at said general election, the Hon, Charles F. Lott, to represent said district in this body; and the 18th Sena-

torial district, composed of the county of Shasta, elected the Hon. R. T. Sprague.

That on the 28th day of July, 1851, the Executive of this State issued his proclamation directing, among other matters, that the counties of Butte and Shasta should, at the general election, to wit: the general election of 1851, elect a senator to fill the vacancy occasioned by the resignation of A. W. Adams.

That in compliance with said proclamation, the counties of Butte and Shasta, at said general election, elected the Hon. J. E. N. Lewis, to fill said vacancy.

Your Committee have within their knowledge no precedents upon which authoritatively to decide this vexed question, but upon general principles of law, and upon the provisions of the Constitution.

They have formed the opinion that the Hon. J. E. N. Lewis is entitled to take his seat. Of the right of Mr. Lott from Butte, and of Mr. Sprague, of Shasta, to their seats, your Committee deem that there can be no question—they clearly having that right under the law of May, 1851.

Section 5th, of article 4th of the Constitution of the State, provides that "Senators shall be chosen for the term of two years." This being a constitutional provision, cannot be abrogated, altered or annulled, by the Legislature.

By this provision, your Committee contend that every person elected a State Senator, holds his office for two years, except when elected to fill a vacancy, or when he is to determine his term of office by lot, as provided in the Constitution; and that when the people of any Senatorial district have elected a Senator according to law, to hold his office for the term of two years, by no act of such senator, either of resignation or otherwise, and by no act of the Legislature can the people of such district be deprived of a senator for the full period of said two years.

Your Committee contend that the office does not abate by the resignation of the occupant, and that it exists by virtue of the Constitution for two years.

Section 14 of the schedule attached to and forming part of the Constitution, arranges, describes and provides, the apportionment of the two Houses of Legislature, which, it directs shall remain such apportionment, "until," in the words of the Constitution, "the Legislature shall divide the State into Counties and Senatorial and Assembly Districts, as directed by the Constitution."

In the session of 1850, the legislature did divide the State into counties and Senatorial and Assembly districts, as referred to in this report.

In 1851, the Legislature passed the Apportionment Act, also referred to in this report, in which they divide the old 15th senatorial district into

two districts, for each of which they provide that a senator shall be elected, but in which they take no notice of the existence of a senatorial vacancy, which does not expire until January, 1853. This apportionment act contains no direct repealing clause, although your Committee have no doubt that the intention of the Legislature was to repeal it by implication—but your Committee contend that not expressly or by implication, could the Legislature abolish the office of Senator from Butte and Shasta, until the senator elected to fill that office, or the senator elected to fill the vacancy, had served out the full term of said office, to wit: until the 1st day of January, 1853.

It is said in reference to this conclusion, that the Legislature have not deprived the people of Butte and Shasta of any of their vested rights—that they have not abolished the office of Senator from that district; but have simply changed the district itself. That they have divided the old 15th district into two districts, denominating them the 17th and 18th districts; and that they have in fact increased the representation of the old district.

The answer to this proposition your Committee submits is, that the Legislature have, unwittingly, increased such representation more than they intended. If they intended that the representation in the Senate from the old 15th district, should consist of two members only, i. e. from the 17th, one; from the 18th, one; then they have by implication, attempted to shorten the senatorial term from the old 15th district, from two years to one, because they have taken no notice of the unexpired senatorial term, and have ordered two new senators to be elected to hold their office for two years. If they intended that one of the senators ordered to be elected, should fill the place of the senator who had resigned his seat, then they have unconstitutionally attempted to increase the term of service of a senator; because, as before stated, the term of office of the new senators ordered to be elected, is two years, while the existence of the term of the vacated, is only for one year.

Your Committee are therefore of opinion, that the Constitution can be satisfied in no other manner, than by admitting the member from Butte and Shasta to his seat, which they accordingly recommend.

THOS. B. VAN BUREN,  
*Chairman Committee.*

# REPORT OF THE VISITING PHYSICIAN

## OF THE

### SACRAMENTO STATE HOSPITAL.

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HIS EXCELLENCY GOV. McDUGAL,

*Sir :—*

In accordance with a promise made you some time since, I will endeavor to give you some statistics of the Insane of our State; and tender also some few remarks in reference, particularly to the predisposing existing causes, of the frequency and increase of the same in California.

From April 16, 1851, the date of the passage of the law, creating the Sacramento State Hospital as the Asylum for the Insane, there have been received 35 patients. This number having become so since this date; if, the law, having been so construed, that we were not bound to take charge and care of those who were laboring under the affliction before the passage of the law.

In my own knowledge there are about 15 others in the State, making in all 50, more or less.

Of the 35 admitted here, there are now remaining 18; the remainder having been disposed of in numerous ways, viz :—cured and discharged, sent home to the Atlantic States, taken away by friends, and one or two making their escape and running off.

Of the whole number received, 20 were Americans; the remainder—Germans, French, Irish, Spaniards, Californians and English.

The especial appropriation made to the Sacramento Hospital, when the care of the insane were assigned to it, was \$15,000, payable quarterly. This has always been received in scrip, and been sold for less than one-half the value of its face, and consequently, not enough money has been realized from it to defray one-half the expense of these unfortunate gentlemen.



The consequence is, that the Hospital has never been in a condition to erect or fix appropriately, a suitable building for them, but have been compelled to construct such a one as was nearer the limits of their means. The greatest expense of these "precocious gentlemen," are these necessary apartments for them, together with attendants, wearing apparel and bed clothes, for many of them have the bump of destructiveness largely developed, whilst food is the least of the expense.

When it is taken into consideration that the number of 35 has accrued in seven months only, it is fearful to think of the number that may be thrown upon the State in a few years, and loudly calls for an institution under the sanction and patrimony of the State for their protection, comfort and relief.

It is almost impossible to come to any positive conclusion as to the causes of the frequency of this disease, among a people, whom we are to suppose, were sane and rational beings before they came here, and from the fact, that they are generally brought to the hospitals by the police, who have taken them up as vagrants, or by persons who are entirely disinterested and never known them before, to find anything about their previous history, or under what circumstances the malady first made itself apparent.

As a general rule, the majority of cases of insanity is produced by the influence of exciting causes, acting upon a predisposition to the disease. It is true, that inheritance is a most frequent source of this predisposition; this, common observation has established, as well as the fact, that the tendency of suicide frequently descends from parent to child. The natural constitution of an individual often predisposes to it, and persons of nervous and melancholic temperament are peculiarly susceptible to it, and still more susceptible, are those who have any strong passion in excess, such as great pride, love of applause, and high ambition.

But, in my opinion, here, the most exciting causes are—the reverses of business; the loss of friends; abused confidence; betrayed affections; public disgrace; and utter destitution—which, combined together with fear; disappointment; grief and despair—all have been most fruitful sources of insanity in this country, and it must be remembered, that these causes must remain to develop their embryo, perhaps, for the next ten years, without any apparent remedy for the evil.

Again, we have the speculative and gambling spirit in our community—with its sudden accession of fortune, and its unbounded losses; its short lived triumph; its rapid fluctuations, and its sudden reverses—these causes, again, we must expect to remain as one of the excitors for a long time.

There are a thousand other causes which may produce this disease, but I merely confine myself to those I consider the most prominent in this State.

Statistical observation has established, without doubt, that the age in which insanity shows itself, is between twenty and thirty years.

Perhaps, two-thirds of the emigration to this country, since the Spring of '49, has been young men of this age. They leave a home where, perhaps, they have all their lives been nurtured in a lap of luxury; surrounded by a host of kind friends and relatives, and where their domestic relations have been most happy; and many who were in such circumstances as to ask nothing of dame fortune, or else they may be in the other extreme, and have always been in penury and want—still they come with the most buoyant hopes and unbounded expectations. They arrive here, one-half of them, already worn down and debilitated by sickness; then come the change of scene; change of living; change of climate; change of country; and, indeed, everything which tends to bring about a complete revolution in the whole system and constitution.

This is being acclimated, and this the time that shows the susceptibility of all individuals to any particular disease, and this is the trying time upon the constitution of that individual. It is then that despair, despondency, and disappointment frequently takes possession of them, which some cannot find it possible to shake off. Already their great hopes and expectations, with their many magnificent castles, begin to dissipate into air. After spending some time in this dreamy state, they are seized with almost a mania for the mines.

They go—with the fullest hopes and unlimited expectations to try their fortune at this wheel, and if she again proves false, the unfortunate man becomes actually worn down in mind by these depressing causes, until despondency, reckless despair, and bitter grief, become the powerful influence to the utter destruction of the mind.

There is now in the Pennsylvania Hospital near 600 patients.

New York State Asylum,	800	do.
Maryland State Hospital,	400	do.
Virginia do do	700	do.

These numbers have been accumulating, perhaps, for the last 20 or 30 years; and I may here remark, that the longer they remain in the state of lunacy, the less chance is there of recovery; for statistics show us, that many recoveries take place in the first year, fewer in the second, and still fewer in the third, and each year afterwards the number diminishes.

If, in a population of only 200,000, allowing this number in our State, there are fifty lunatics in less than one year, and it seems but reasonable to suppose, that in one year from this time, that this same population will increase nearly double, is it not melancholy to think how many lunatics may be let loose upon us in a few years.

If there is no place provided for their proper care, they must, among this selfish people, having no relations to fall back upon, wander from place to place, treated and cuffed as the vilest vagrant; or, perhaps, wander from all habitation, and die of starvation; or, perhaps, from actual

want commit some criminal act, which condemns him to the State prison.

All these reasons, and a thousand other conclusions, indicate a public Asylum as the proper place and shade of the lunatic, and appeals most strongly to our Legislative body to take the matter into serious consideration.

It is only in such an establishment, that all those measures which experience has shown to be most advantageous in the cure of the disease, can be brought to bear effectually upon a patient.

Placed, as they usually are, under Physicians, with nurses and immediate attendants, experienced in the business, there is no situation in which so many benefits and comforts can be derived, or so many cures effected.

With much respect, yours,

WAKE BRYARLY.

Sacramento State Hospital,  
Sacramento City. Dec. 22, 1851.

REPORT OF THE TRUSTEES  
OF THE  
SACRAMENTO STATE HOSPITAL.

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*To the Senate and House of Representatives  
of the State of California :*

In conformity with the Act creating a State Hospital in the city of Sacramento, the Board of Trustees respectfully report to your honorable body, that the Trustees of said Institution, appointed by the late Legislature, took and subscribed their oath of office, and commenced the organization of said Hospital, in the manner and within the time prescribed by said Act.

The report of the Treasurer and Physicians, hereto annexed and submitted, will show the amount of the receipts and expenditures since the organization of the Hospital ; the present condition of the Institution ; the number of patients admitted and discharged ; the nature of their diseases ; and the number of patients remaining in the Hospital at the date of their report.

Since the organization of said Hospital, the Board of Trustees have (from the want of ready money and adequate means) experienced great difficulty in sustaining and supporting the said institution. Only from the rigid economy studied and practiced by the Physicians, and the aid afforded by members of the Board of Trustees, who (when the Hospital was unable to purchase the requisite bedding and furniture for the different wards and the necessary daily provisions and proper medicines for the sick) advanced from their private means funds, sufficient to obtain the same, is to be attributed, in the opinion of this Board, the maintenance and continuance of the Hospital.

To organize the Hospital—to place it in a proper state and condition for the reception of patients—the building rented by the Trustees,—and to furnish the same,—required the expenditure of a large sum of money.

Had the appropriation made by the State been paid in money, the Trustees would have experienced little or no difficulty ; but, as the Treasurer's Report shows, the amount received in cash has been small and trifling.

Quarterly from the State we are entitled to receive, for the general pur-



poses of the Hospital, the sum of \$3,750 ; for the support of the Insane, the farther sum of \$3,750 ; this appropriation, thus far, has been paid to us in Scrip, which, in order to supply the immediate and pressing wants of the Hospital, we have been compelled to part with at less than 50 cents on the dollar.

From the taxes accruing to the State Treasury and set apart to us from licenses for gambling and sales at public auction, we have received but the sum of sixty-one hundred and sixty-one dollars and nine cents ; this has been owing to the fact that, in some of the counties no moneys from this source have been received ; in others, the County Treasurers have paid into the State Treasury bonds instead of cash ; and in others, the County Treasurers have failed and neglected to render their accounts. That large sums of money from this source have been paid in cash into the hands of the County Treasurers, your Board of Trustees confidently believe ; and they would ask of and urge upon your honorable body that the reports made by the different County Treasurers may be carefully and rigidly examined and scrutinized.

From forfeited bonds, recognizances and fines assessed in criminal cases, the Board of Trustees have received nothing. The Board of Trustees would respectfully ask the appointment of a committee to examine into the state and condition of the Hospital at Sacramento city : they believing that it will compare favorably with any similar institution in the country ; and to the Physicians of said Hospital is the credit due. Under their care and supervision the different wards in the Hospital have ever presented a neat, airy, and cleanly appearance. The patients speak in high terms of their care and skill ; and the Board of Trustees can testify that they have ever been constant and faithful in their attendance at the Hospital, unremitting in their attention to the sick, and in their supervision and conduct of the Hospital.

The Board of Trustees would call the attention of your honorable body to the frequent and gross violations, by our Pacific steamers, of the United States laws relative to the carriage of passengers, and urge upon your honorable body the necessity of requesting of the United States authorities the strict enforcement of the law.

In consequence of the great expense attending the conduct of this institution, and the limited means at the control of the Board of Trustees, it has thus far been rendered impracticable to purchase or contract for the erection of Hospital Buildings ; but, instead thereof, we have been compelled to lease those we now occupy, including the building for the use of the insane patients, at the rate of eleven hundred dollars per month.

The principal buildings now occupied, if especially erected for Hospital purposes, could scarcely have been designed, combining more peculiarly the essential requisites of structure, size, and location. However, the rent we are now compelled to pay for those buildings absorbs much of the means which should legitimately be devoted to the payment of the current expenses

of the institution ; and, consequently, the Treasurer's account presents an indebtedness against us, which would not otherwise exist. The necessity of rendering more permanent as well as confining the expenditures of the Hospital to the lowest possible amount, by the judicious disposition of this public charity, induces the Board of Trustees to respectfully ask of your honorable body an appropriation of a sufficient sum of money, to be devoted specifically to the purchase or erection of suitable Hospital buildings.

We are induced to believe that the benefits resulting generally to the unfortunate, diseased and destitute, by the maintenance and support of this institution, under the auspices of the State authorities, when contrasted with their condition, deprived of this generous munificence, will induce a favorable response to this appeal in behalf of suffering humanity. The temporary and inadequate provisions made for the care and maintenance of the insane patients, merits peculiarly your attention and sympathy. Their numbers (the condition of which you are respectfully referred to the accompanying report of the Resident and Visiting Physicians) so rapidly augmenting, calls for additional legislation which, in its consequences, will be productive not only in rendering comfortable their situation, but more effectually aid in restoring the diseased mind to the exercise of its natural functions.

In conclusion we would remark that, since the adjournment of the Legislature, a vacancy having occurred in the Board of Trustees by the removal and consequent inattendance of Vincent E. Geiger, Esq, in conformity with law, we proceeded to fill the vacancy by the election of Dr. John F. Morse, who accordingly entered upon the duties of his office.

Respectfully, &c.,

A. C. MONSON,  
EDWD. J. WILLIS,  
J. NEELY JOHNSON,  
Committee on behalf of Trustees.

## REPORT OF PHYSICIANS.

*To the Trustees of the Sacramento State Hospital:*

SIRS—We have the honor to submit to your body the following Report of the Sacramento State Hospital.

The Hospital was opened for the reception of patients on the 26th of May, 1851.

It has now been in operation seven months and thirteen days up to the present date, the 10th of January, 1852.

The following will show an accurate list of all patients that have been received, discharged, remaining, &c., &c., during this time.

---

Whole number admitted,	-	-	-	-	-	592
Discharged,	-	-	-	-	-	415
Died,	-	-	-	-	-	73
Remaining in Hospital,	-	-	-	-	-	104

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Of Insane admitted,	-	-	-	-	-	38
Discharged cured,	-	-	-	-	-	16
Remaining in Hospital,	-	-	-	-	-	22

## DIFFERENT DISEASES.

Chronic Rheumatism, - - -	26	Continued Fever, - - -	13
Acute " - - -	23	Bil. Rem. " - - -	123
Diarrhœa, - - -	13	Congestive " - - -	4
" Chronic, - - -	25	Typhoid " - - -	33
Dysentery, - - -	—	Lacerated Wounds, - - -	4
Secondary Syphilis, - - -	5	Incised " - - -	6
Chronic Dysentery, - - -	11	Punctured " - - -	1
Jeterus, - - -	2	Contused " - - -	4
Pleuritis, - - -	7	Gun Shot " - - -	15
Chronic Bronchitis, - - -	3	Ulcers, - - -	3
Parotitis, - - -	2	Abscess, - - -	7
Pthisis Pulmonalis, - - -	5	Burns, - - -	3
Tonsillitis, - - -	4	Hernia Humoralis, - - -	3
Pneumonia - - -	6	Incontinence of Urine, - - -	1
Angina Pectoris, - - -	1	Panama Fever, - - -	23
Ascites, - - -	2	Turunculus, - - -	1
Anasarea, - - -	6	Poison, - - -	6
Enteritis, - - -	4	Mental Derangement, - - -	38
Gastritis, - - -	3	Delirium Tremens, - - -	7
Hepatitis, - - -	4	Abdominal Abscess, - - -	1
Disease of Kidneys, - - -	2	Gonorrhœa, - - -	1
Paraplegia, - - -	1	Concussion of Brain, - - -	—
Hemiplegia, - - -	2	Erysipelas, - - -	11
Apoplexia, - - -	1	Ophthalmia, - - -	6
Gastrodynia, - - -	7	Caries, - - -	1
Cerebritis, - - -	1	Coxalgia, - - -	3
Scorbutis, - - -	11	Lumbar Abscess, - - -	1
Conjunctivitis, - - -	1	Stricture of Urethra, - - -	1
Catarrh, - - -	3	Calculi of Bladder, - - -	1
Constipation, - - -	2	Abscess of Axilla, - - -	1
Tic Dolereux, - - -	1	Peroneal Abscess, - - -	1
General Debility, - - -	7	Hemorrhoids, - - -	2
Acute Bronchitis, - - -	3	Fistula in Ano, - - -	2
Ptyalism, - - -	5	Fractures, - - -	9
Hysteria, - - -	1	Scarlatina, - - -	3
Dyspepsia, - - -	2		
Intermittent Fever, - - -	46	Total, - - -	592



## DEATHS WERE FROM THE FOLLOWING CAUSES.

Dysentery, - - - -	8	Coxalgia, - - - -	2
Abdominal Abscess, - -	1	Congestive Fever, - - -	2
Phthisis Pulmonalis, - -	5	Bil. Rem. " - - -	5
Chronic Diarrhoea, - -	14	Scarlatina, - - -	1
" Bronchitis, - - -	4	Ulceration Bowels, - - -	1
Enteritis, - - -	2	Typhoid Fever, - - -	13
Cerebritis, - - -	4	Panama " - - -	4
Scorbutis, - - -	1	Delirium Tremens, - - -	2
Hemiplegia, - - -	1		
Erysipelas, - - -	2	Total, - - -	73
Anasarca, - - -	1		

## NATIVES OF THE FOLLOWING COUNTRIES.

Citizens of the United States, - - -	342
Adopted, - - -	250
Mexico, - - -	13
England, - - -	29
Ireland, - - -	51
Germany, - - -	59
Scotland, - - -	13
France, - - -	29
Portugal, - - -	3
Chili, - - -	27
Sweden, - - -	10
Prussia, - - -	3
Russia, - - -	1
Island Ceylon, - - -	1
Island Madeira, - - -	1
Switzerland, - - -	2
Upper Canada, - - -	3
Norway, - - -	2
Denmark, - - -	2
China, - - -	2
Brazil, - - -	4
New Zealand, - - -	1
	—250

The following will show the manner in which an accurate register of all the patients who have been admitted in the Hospital, has been kept.

[illegible]

This register we have found not only beneficial and useful to ourselves, but more particularly as an accommodation to the public; as there is scarcely a day that it is not examined by persons in search of the whereabouts or fate of mining friends and relations.

In examining our register, we find patients have been received from every county in our district; the greater number being from Shasta and El Dorado.

By referring to our report of the different diseases, it is easy to observe what may be considered as the prevailing diseases in this, the Northern District of California.

The largest number of any one class have been those of Fever, particularly those of Bilious Remittent Fever. This is not surprising, when it is considered that every feature of the country, and the general habits of the people, are most conducive to this disease. During the dry season, the miners are compelled to resort to the rivers and water courses for work; here they are exposed to all the miasma originating from the decomposition of the vegetable matter from the overflowed lands during the wet season. This produces intermittent, or common chills and fever.

The general living of these people is decidedly bad; not only in reference to their food, but more particularly in their sleeping apartments. They either sleep in the open air, exposed to the sudden changes peculiar to our climate, or they are huddled into tents and cabins, where they cannot but suffer from the effect of contaminated atmosphere. These things, connected with the fact that many of them work in the water six or eight hours each day, bring about such a state of the system, and such a habit of body, as renders it peculiarly susceptible to take on the most malignant forms of every disease with which they are attacked. It is thus that our worst fevers are produced, and these the reasons of their frequency in our district.

Although bilious remittent fever has far doubled the number of any other fever, it is to be observed, that the mortality has been much less in comparison.

From our mortality report, the greatest number of deaths have been from chronic diarrhoea. This is the most formidable disease in our whole country. We find it mostly attacking those recent in the country, and almost always following the extreme debility of the acclimating fever, Panama, typhus, or ship fever, to which it seems to be the most regular sequel. The neglect of this in its acute stage, is followed by its passing into the chronic. The fact that there are so many existing causes, such as strong mental emotion, of a depressing or anxious kind, exposure to dampness and cold, indigestible food, intoxicating drinks, bad water, and general debility, that oftener the organic disease, before coming under treatment of a physician, is so great, as to be out of the reach of human aid.

In some of the northern portions of this district, during the past summer, the erysipelas has raged as an epidemic, with great mortality; and in some few places, even now, continues its ravages.

The counties of Shasta, Nevada and El Dorado have been the worst sufferers. In many instances, every inhabitant of small mining camps has been attacked, and often assuming the most malignant form, and proving fatal in a very few hours.

The most apparent cause seems to be, the peculiar constitution of the atmosphere, exposure to all weathers, bad and unwholesome living, general tendency to scorbutis, which, combined with a natural predisposition and the contaminated air of crowded and ill-ventilated apartments, are all calculated to render the subject peculiarly susceptible to erysipelatous inflammation.

It will be seen that, although situated in the interior, we have not been exempt from the reception of "Panama fever" in our wards.

From the last steamer that arrived, (the Northerner,) fourteen of her passengers have been admitted here.

The appellation of "Panama fever," is very common at the present day; but the cases from the Northerner can be much more easily recognized under the head of "ship fever."

This calls forth strongly the necessity of enforcing the laws regulating the carriage of passengers, &c., &c.

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#### INSANE DEPARTMENT.

Whole number admitted,	-	-	-	-	-	38
Discharged cured,	-	-	-	-	-	16
Remaining,	-	-	-	-	-	22
Received from San Francisco,	-	-	-	-	-	20

When it is taken into consideration that this number has accrued in little more than seven months, it is almost fearful to think how many may be thrown upon the State in a few years; and calls loudly upon our legislative body to take some steps for their proper care and comfort.

There are many causes and reasons that show, conclusively, that the habits of the people of our State are peculiarly adapted to develop any pre-disposition to this disease; and in the majority of cases, it has been produced by the influence of exciting causes, acting upon such pre-disposition and such susceptibility to it.

It must be evident to you, that a public asylum, separate and distinct



from any other institution, surrounded by sufficient and proper grounds, is the only suitable and proper abode of the lunatic.

It is only in such an establishment, that all those measures which experience has shown to be most advantageous in the cure of the disease, can be brought to bear efficiently upon the patient.

Respectfully,

WAKE BRIARLY, M. D.,  
Visiting Physician.

GEO. W. WILLIAMS, M. D.,  
Resident Physician,  
Sacramento State Hospital.

Sacramento City, January 10th, 1852.

# SACRAMENTO STATE HOSPITAL.

*In Account Current with H. A. Schoolcraft, Treasurer.*

Dec. 31, 1851.

DR.

To cash disbursed for the Hospital, viz :

For building materials, carpenter' work, plastering, painting, &c.,	\$3,305 88
For salaries of officers, provisions, wood, washing, water, medi- cines, bread, advertising, milk, &c.,	5,594 39
For rent of Hospital to August,	1,950 00
For rent of Lunatic's building,	200 00
For furniture, beds, bedding, &c.,	3,843 97
For nurses, matrons, &c.,	808 20
Balance,	11 00
	<hr/>
	\$15,713 44

## MEMORANDUM.

The following sums remain unpaid, viz :

For building materials, carpenter's work, paper hangings, paints, &c.,	-	-	-	\$1,116 13
Salaries for nurses, matron, &c.,	-	-	-	1,609 32
Rent of Hospital building,	-	-	-	5,050 00
Freight on furniture, &c.,	-	-	-	190 55
General expenses, salaries of physicians, treasurer, apothecary, laundress, provisions, coal, bread, undertaker, medicines, advertising, wood, milk, &c.,	-	-	-	11,043 51—\$19,009 51

## SACRAMENTO STATE HOSPITAL.

*In Account Current with H. A. Schoolcraft, Treasurer.*

Dec. 31, 1851.

CR.

By following sums received from State of California, viz :

In July, State Scrip,	-	\$7,500 00		
In September, cash,	-	4,680 65		
In " State Scrip,		9,784 98		
In December, Warrants,	-	209 40—	\$22,175 04	
By less discount on Scrip and Warrants,	-	10,108 85—	\$12,066 19	
By cash from patients,	-	-	2,012 25	
By cash from theatres, public shows, &c.,	-	-	1,565 00	
By cash for annual certificate,	-	-	70 00	
			<u>\$15,713 44</u>	
Balance in hands of Treasurer,			\$11 00	

The Resident Physicians' account for city patients from August 1st to 28th December, remains unpaid for	-	-	\$4,032 00
Also add another bill for city patients from organization of Hospital to August 1st,		1,842 00	
Add State appropriation for third Quarter,		7,500 00	
		<u>\$13,374 00</u>	

Add sum due from State, appropriated from gambling and auction taxes, (amount unknown.)

## REPORT OF STATE PRINTER.

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VALLEJO, January 6, 1852.

Hon. SAMUEL PURDY,

President of the Senate :

SIR :

By Section 6, of the Act defining the duties of State Printer, &c., passed March 9, 1850, the State Printer is required within the first week of each annual session of the Legislature, to make out a report addressed to the Speaker of the Assembly and President of the Senate, in which he shall exhibit the amount of work done by him during the previous year, the nature of said work, the prices, and the aggregate receipts on the same.

May 1st, 1851, I was elected by the Legislature of the State, the State Printer, to fill the vacancy caused by the resignation of Jonas Winchester. The acting Governor of the State denied the right of the Legislature to fill the vacancy, and claimed it for himself; and on the 2nd of May, 1851, he appointed Mr. G. K. Fitch, State Printer, to fill the vacancy assumed to exist. The Secretary of State, believing himself concluded by the commission issued by the Governor to Mr. Fitch, decided to recognize the latter as State Printer, and delivered to him the certified copies of the Laws and Joint Resolutions, and of the Journals of both Houses of the Legislature for 1851, which by law the Secretary of State is required to deliver to the State Printer.

To give effect to the action of the Legislature in my election, and to vindicate my own rights, I was constrained to institute a suit at law against Mr. Fitch; which, after a protracted litigation, and upon appeal to the Supreme Court of the State, resulted in a unanimous judgment of that Court, affirming the entire validity of the action of the Legislature, deciding the appointment of Mr. Fitch by the Governor, to have been illegal and void, ousting Mr. Fitch from the office, and declaring me to be the State Printer, and entitled to enter upon the execution of the duties of the office.

Up to the date of this judgment of the Supreme Court, December 4, 1851, I had been excluded from the office of State Printer, and of course unable to discharge my official duties.

I have, consequently, to report, that as yet no work has been completed

by me, as State Printer, during the past year, and that I have received no payments on account thereof.

No one can regret more than I do, the delay in the printing and promulgation of the Laws, and of the Journals of the Legislature, and the public inconvenience arising therefrom, caused by the circumstances already stated, and which I had not the power to control. Since the decision of the Supreme Court, no effort has been spared by me, to make up for the time which has been lost, and to push forward, as rapidly as possible the printing of the State.

The work is now in progress, and I trust to be able to furnish the bound volumes of the Laws, and of the Journals of the Legislature, for the year 1851, at an early period of the present session. I am also fully prepared to execute all printing, and other work required of me as State Printer, by either House of the Legislature, during the session, or the several other departments of the State Government.

I am, Sir,

Very Respectfully, &c.,

EUGENE CASSERLY,

State Printer.



[COMMUNICATION FROM THE SECRETARY OF STATE.]

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CERTIFIED COPY

OF

THIRTEENTH AND FOURTEENTH SECTIONS

OF

AN ACT TO APPORTION

SENATORIAL AND ASSEMBLY DISTRICTS.

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*Section 13th.* The County of Placer shall be the Thirteenth Senatorial District, and shall elect one Senator, and two Members of the Assembly.

*Section 14th.* The County of Sutter shall be the Fourteenth Senatorial District, and shall elect one Senator, and one Member of the Assembly.

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OFFICE OF THE SECRETARY OF STATE, }  
*Sacramento City, January 22, 1852.* }

I, W. Van Voorhies, Secretary of State of the State of California, *do hereby certify*, that the foregoing is a true and literal copy of the thirteenth and fourteenth sections of an act entitled an "Act to apportion the Senatorial and Assembly Districts;" approved May 1st, A. D. 1851.

W. VAN VOORHIES,  
*Secretary of State.*

## REPORT OF COMMITTEE ON MILEAGE.

SENATE CHAMBER, *January 24th, 1852.*

The Special Committee on Mileage have had the same under consideration, and herewith submit their Report, and ask to be discharged.

JAS. WALSH, *Chairman.*

## [ APPROVED LIST. ]

Mr. Anderson,	-	-	-	-	-	-	-	-	-	\$580	00
" Broderick,	-	-	-	-	-	-	-	-	-	280	00
" Cooke,	-	-	-	-	-	-	-	-	-	260	00
" De la Guerra	-	-	-	-	-	-	-	-	-	1,080	00
" Estill,	-	-	-	-	-	-	-	-	-	240	00
" Foster,	-	-	-	-	-	-	-	-	-	1,280	00
" Fry,	-	-	-	-	-	-	-	-	-	300	00
" Harper,	-	-	-	-	-	-	-	-	-	1,000	00
" Hubbs,	-	-	-	-	-	-	-	-	-	520	00
" Keene,	-	-	-	-	-	-	-	-	-	320	00
" Keyser,	-	-	-	-	-	-	-	-	-	300	00
" Lewis,	-	-	-	-	-	-	-	-	-	428	00
" Lind,	-	-	-	-	-	-	-	-	-	400	00
" Lott,	-	-	-	-	-	-	-	-	-	350	00
" McKibben,	-	-	-	-	-	-	-	-	-	500	00
" Miller,	-	-	-	-	-	-	-	-	-	640	00
" Ralston,	-	-	-	-	-	-	-	-	-	200	00
" Roach,	-	-	-	-	-	-	-	-	-	570	00
" Robinson,	-	-	-	-	-	-	-	-	-	200	00
" Snyder,	-	-	-	-	-	-	-	-	-	280	00
" Soule,	-	-	-	-	-	-	-	-	-	280	00
" Sprague,	-	-	-	-	-	-	-	-	-	790	00
" Tingley,	-	-	-	-	-	-	-	-	-	410	00
" Van Buren,	-	-	-	-	-	-	-	-	-	440	00
" Walsh,	-	-	-	-	-	-	-	-	-	350	00
" Warner,	-	-	-	-	-	-	-	-	-	1,994	00
" Wambough,	-	-	-	-	-	-	-	-	-	300	00
President—Mr. Purdy,	-	-	-	-	-	-	-	-	-	440	00

The Committee on the part of the Senate approve this list.

JAMES WALSH, *Chairman.**January 23d, 1852.*

EXECUTIVE DEPARTMENT,  
Sacramento City, January 26th, 1852. }

In compliance with the provisions of the 13th Section of the 5th Article of the Constitution of the State, I have the honor to report the annexed statement of Pardons granted during the past year.

This Report should have accompanied the Annual Message of my predecessor; but it will be recollected that at the time his Message was transmitted, the Archives of State were still at San Jose, and of course the information embodied in the report could not then be obtained.

Very Respectfully,

JOHN BIGLER.

STATEMENT OF THE  
NUMBER OF PARDONS GRANTED  
DURING THE PAST YEAR.

<i>Date of Pardon.</i>	<i>Crime.</i>	<i>Name of Criminal.</i>
1851. July 2.	Felony,	Ignatio Corates.
“ 2.	Felony,	Jesus Calantes.
“ 7.	Passing Counterfeit Money,	Stephen Hendrickson.
“ 7.	Assault with intent to Kill.	John Williams.
Aug. 17.	Assault with intent to Kill.	Charles Duane.
“ 20.	Robbery.	—— Robinson. Execution suspended.
Nov. 3.	Grand Larceny.	Joseph Willson. Commutation to imprisonment for 15 years in State Penitentiary.
“ 3.	Grand Larceny.	John Gaster.
“ 4.	Grand Larceny.	Thomas Toby.
“ 17.	Selling Ardent Spirits without License.	John Johnson.
“ 17.	Selling Ardent Spirits without License.	Dawson Wilson.
“ 17.	Selling Ardent Spirits without License.	Claude Duett.
“ 17.	Selling Ardent Spirits without License.	Francisco Sylvis.
“ 17.	Selling Ardent Spirits without License.	Ignatio Luis.
“ 17.	Selling Ardent Spirits without License.	Henry Cruger.
Dec. 6.	Grand Larceny.	John Boyd.
“ 6.	Grand Larceny.	Owen Carruthers.
“ 8.	Petit Larceny.	D. A. McLaughlin.
“ 17.	Petit Larceny.	John Leary.



EXECUTIVE DEPARTMENT,  
Sacramento City, Jan. 28th, 1852. }

*To the Senate of California :*

In reply to the resolution of the Senate, adopted on the 26th inst., requiring the Governor to report to the Senate the evidence upon which was based the statement contained in his Report (in relation to appointments made by his predecessor during the past year) that the Honorable Vinal Daniels, Judge of El Dorado County, had absconded, the attention of the Senate is respectfully directed to the accompanying communications, numbered one, two and three.

It is proper to say, that the certificate of the County Recorder, referred to in the communication of Governor McDougal, cannot be found on file in this office, though a careful and thorough search has been made for the same.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }  
Sacramento City, February 3d, 1852. }

*To the Senate and Assembly  
of the State of California :*

I have the honor herewith to transmit a Report of the vacancies in Office,  
to be supplied by the Legislature during the present Session.

JOHN BIGLER.

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REPORT OF  
  
VACANCIES TO BE FILLED BY THE LEGISLATURE  
  
AT THE SESSION OF 1852.

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1. Major General of Second Division.
2. Brigadier General, First Brigade, Second Division.
3. Brigadier General, First Brigade, First Division.
4. Brigadier General, First Brigade, Fourth Division.
5. Quarter Master General.
6. State Printer.

REPORT  
OF THE  
COMMITTEE ON CLAIMS,

TO WHOM WAS REFERRED THAT PORTION OF GOV. McDOWGAL'S MESSAGE  
RELATIVE TO THE FREMONT OR CALIFORNIA BATTALION.

*Introduced, February 5, 1852.*

The Committee on Claims beg leave to present the following report upon that portion of the Message of Gov. McDougal, relative to California Claims for property taken and supplies furnished during the war between Mexico and the United States.

The Committee will state that the claims are of two distinct classes, which they will call first and second class claims, according to priority.

Those of the first class are claims that originated prior to or on the eve of the war between the United States and Mexico, and during the operations of what was termed the Bear party.

The Committee will remark, that a portion of its members were personally cognizant of the state of affairs in this country at that time, and consider that, from the knowledge they have upon the subject, the General Government of the United States cannot reject the claims of persons who sustained losses during that period.

Although the operations of Col. Fremont with the Bear party, have been declared premature, and unsanctioned by his Government, yet a party of this Committee are personally acquainted with the fact that Fremont had instructions from his Government which led him to take the steps he did, relative to the matter.

Lieut. Archibald H. Gillespie arrived at Monterey previous to the organization of the Bear party, and as soon as Thomas O. Larkin, Esq. the

United States Consul at Monterey, could fit out Lieut. Gillespie with horses and men, he immediately started in pursuit of Col. Fremont, who was far on his way to the Territory of Oregon. He did not overtake him until the 9th day of May, 1846; and from the character of the dispatches and instructions communicated to Col. Fremont by Lieut. Gillespie, *he was induced* to return into California; for he was in the Territory of Oregon when met by Lieut. Gillespie.

It was about the time when he had returned and encamped near the Buttes, on the Sacramento river, that the difficulty between the native Californians and the emigrants from the United States occurred.

Perhaps it would be well to state here, that the difficulty spoken of had been brewing for some time, and Col. Fremont was aware of it before he broke up his camp to move into Oregon; but did not in any wise meddle with the matter; and Lieut. Gillespie was cautioned to be careful in moving through the country in search of Fremont.

It will be understood that it was not until he had been brought back by a *Government Agent*, and after being waited upon by a delegation from the emigrants who solicited the assistance of his party, that he consented to do that which any other citizen of the United States would have done under the circumstances; viz: give them such assistance for their protection and the protection of their families, as was in his power.

It will be remembered, that it was then the season of the year when the mountains were covered with snow; and the native Californians did not hesitate to say that it was their intention to cause the emigrants from the United States to leave the country. It is a well known fact that they were collecting their forces at the Mission of San Juan Baptista. What was to be done? Were they to risk their lives, and the lives of their wives and children, in the fathomless snows of the Sierra Nevada; or was it better to stand by each other, like brave men, and lose their lives defending those most dear to them, rather than ignominiously fly to the mountains and perish in the snow?

They did not go to the mountains; for Fremont generously offered his assistance; and with a few men under the gallant Ford, taught the natives that the emigrants were not so easily disposed of.

It was at or near Santa Rosa, that the first blood was drawn. The enemy occupied a position at a house on the edge of the plains, about sixty yards from a small grove of brushwood. Capt. Ford having several prisoners, left four men to guard them; and with the remainder advanced upon the enemy.

Reaching the brushwood, he directed his party to tie their horses, and take such positions as would cut off the Californians; but by no means to fire until they would kill their man; which order was so well obeyed that, out of twenty or twenty-five shots fired by the Americans, eleven took effect. Eight of the enemy were killed, and three wounded. One



party of the Californians charged up handsomely, led by a sergeant ; but the deadly fire of Ford's riflemen compelled them to retire, with the loss of the sergeant and several of his men.

The fall of the sergeant was the signal for retreat. The Californians were 80 strong, while Ford had but 18 men engaged.

It was on the 25th day of June, that Fremont joined the garrison of Sonoma, and several days were spent in pursuit of De la Torre, who finally crossed the Bay of San Francisco, and then returned to San Juan.

The Committee consider it necessary to make these statements, that a proper knowledge of the matter may be had.

The Committee will here present the deposition of Lieut. Gillespie, before a committee appointed by the Senate of the United States to investigate the matter, at the time an appropriation was asked for to pay the claims of the people of this country against the Government of the United States.

### DEPOSITION OF LIEUT. GILLESPIE.

"In reply to the inquiry of the honorable committee, whether I was charged with any message or mission from the Government to Capt. Fremont, when I joined him on the Talmath Lake, in May, 1846, I beg leave to state, that early in November, 1845, I received orders from the President, and Secretary of the Navy, Mr. Bancroft, to proceed to California, by way of Vera Cruz, and the shortest route through Mexico to Mazatlan, &c.. I was the bearer of a duplicate of the dispatch to the United States Consul at Monterey, as also a packet for J. C. Fremont, Esq., and a letter of introduction to the latter gentleman, from the Hon. James Buchanan. The former, viz : the letter to Larkin, I destroyed before entering the port of Vera Cruz, having committed it to memory.

"The packet and letter of introduction I delivered to Capt. Fremont on the 9th day of May, in the mountains of Oregon."

The Committee are aware of the fact, that the *original* copy of the letter given to Lieut. Gillespie, and the substance of which was communicated to Col. Fremont by Lieut. Gillespie, from memory, was called for by the Senate of the United States, in the year 1848, and was received and marked "confidential," and (as a distinguished member of the Senate, Mr. Clark, of Rhode Island, remarked,) reposes as quietly in the Executive Archives, as it would have done if it had remained uncalled for, in the archives of the Department of State.

He also goes on to say, that he can only speak of it as it comes to us in this report, and to infer its character and import from the fact that it was deemed unsafe to take it into Mexico, and hazard its discovery by the authorities of that country. And that Lieut. Gillespie, after committing it

to memory, tore it up, and buried it in the deep waters of the Gulf. Its substance was made known to Capt. Fremont, and it bore date in October, 1845.

The Committee will here ask, why Col. Fremont did not continue on his way to Oregon? What turned him from his course, and caused his return into California?

Was it not the instructions conveyed to him by Lieut. Gillespie, who was charged with dispatches from the Executive of the United States?

Lieut. Gillespie's deposition makes the matter perfectly clear. He was induced to return and take the steps heretofore spoken of in this Report.

This Committee do not hesitate to pronounce the claims of the first class just, and recommend the General Government to dispose of them in the same manner as those of the second class.

This much the Committee have to say in reference to the claims of the first class; and they have gone to greater length than was their intention in the first place, nevertheless they deem it necessary to place the matter in a proper light, and from the evidences collected, are fully satisfied that Col. Fremont was authorized to act by the General Government.

In reference to what the Committee term the claims of the second class, they will state that the organization of the California Battalion, dates from the 13th of July, 1846. Nearly all of the officers received their commissions from Commodore Stockton, on the 12th of July, which were read on the morning of the 13th, to the troops on parade at Monterey.

At that time Capt Fremont had a commission as Major, from Commodore Stockton. Lieut. Gillespie held a commission as Adjutant of the Battalion, with the rank of Major, from the same source.

The terms of peace made by Col. Fremont with the native Californians, were recognized by the General Government, and by Commodore Stockton and Gen. Kearney, his superiors in grade. They were signed on the part of the United States by Col. J. C. Fremont, Military Commandant of California; and on the part of California, by Andres Pico, Commandant of Squadron, and Chief of the National Forces of California.

Commodore Stockton addressed a letter to the Secretary of the Navy, of which the following is an extract:

"It seems that not being able to negotiate with me, (alluding to the Californians,) and having lost the battles of the 8th and 9th of January, they met Col. Fremont on the 12th, on his way here, who, not knowing what had occurred, he entered into the capitulation with them, which I now send you; and although I refused to do it myself, still I have thought it best to approve it.

"The Territory of California is again tranquil, *and the Civil Government formed by me* is again in operation in places where it was interrupted by the insurgents.

Col. Fremont has 500 men in his Battalion, which will be quite sufficient to preserve the peace of the Territory."

Faithfully, your obedient servant,

R. F. STOCKTON, Commodore, &c.

To the Hon. GEORGE BANCROFT,

Secretary of the Navy, Washington, D. C.

The operations of the California Battalion were recognized by the General Government.

And the Government has certainly not been a loser by their works; the National Revenue, Public Domain, and Mineral Lands, they must acknowledge are an acquisition to the Public Treasure.

It was by the enterprize of the men whom the General Government have not yet paid for property and services given in the late war, that the attention of the Government of the United States was directed to California.

It was their men who traversed the wilderness, when there were no roads to guide them

It was their men, who nobly stood their ground when attempts were made to drive them from the country.

It was their men, who struck the first blow that added another bright star to our glorious constellation; and now they ask for justice, not for favors.

It is estimated that in the Pay, Quartermaster and Commissary Departments, there will be required about \$500,000, to liquidate claims for which vouchers can be produced; and that \$200,000 will be required to meet the payment of claims held by persons for property taken, for which no receipts were given.

At the time that the Battalion were at Monterey, preparing for the second campaign, about the latter end of November, 1845, they required horses and saddles; these were taken from the native Californians, without giving receipts, and no returns were made to the proper officers, consequently no account was made of them; but the persons who were engaged in these expeditions are yet in the country, and can be found to give evidence in the matter.

Bands of cattle were frequently driven into camp, their owners not being found; in some cases the marks and brands were taken by the Commissary, to furnish a clue to the proper claimants.

One hundred head of cattle were thus driven in on the second of December, to supply the troops during the march to San Miguel, through a portion of the country not stocked with cattle. Thirteen beeves was the number slaughtered per day, for the consumption of the Battalion; other provisions being exhausted, beef constituted the only article of diet.

About 600 loose horses were driven along, to supply the place of those left on the road exhausted; and out of the band many were unfit for use, having been used in the summer campaign.

Besides these, they had a large band of pack mules, upon which the ammunition and camp equipage was transported.

It was the rainy season, when the old grass, as well as the new, contained no nutriment; and every day, horses and mules gave out on the march, and were left behind to be devoured by the wolves, and their riders would straggle into camp with their saddles and blankets upon their shoulders.

This will account for the great number of horses used on the march; and liberal allowances should be made by the Government in the settlement of the claims.

More than one hundred horses were lost in crossing the Santa Ynes Mountain. The rain fell in torrents, carrying down the gorges through which the horses had to pass, mud and rocks. Many of the horses were literally buried in the mud, and the packs were cut from their backs, and the animals left to die. Others slipped down the sides of the mountain and were precipitated over precipices 60 feet deep, where they were piled up from ten to twenty in a heap.

The Committee would recommend that a Commission be appointed to adjudicate the claims of the California Battalion. They would also recommend an appropriation by Congress, of \$700,000, to liquidate the debt, and a Disbursing Agent, who should be the head of the Quartermaster's Department in this country, whose business it should be to pay the claims, when approved by the commission.

The Committee would also recommend that bounty land be allowed each officer and private, in like manner and in like quantities as is allowed under the Act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States; and that our Senators and Representatives in Congress be requested to use their exertions to carry out the measures recommended in this Report.

The Committee recommend that three hundred copies of this Report be printed, and copies furnished our Senators and Representatives in Congress.

JACOB R. SNYDER,  
CHAS. F. LOTT,  
JAMES MILLER.



EXECUTIVE DEPARTMENT, }  
Sacramento City, January 26, 1852. }

*To the Senate and Assembly of the  
State of California :*

In compliance with Law, I herewith transmit a list of the appointments made since the last adjournment of the Legislature. This should have accompanied the annual message of my predecessor, but owing to the fact of the archives being at a distance from the place where that message was delivered, it could not be done.

Very respectfully,

JOHN BIGLER.

## S T A T E M E N T

OF THE

## NUMBER OF APPOINTMENTS MADE DURING THE YEAR.

*List of Appointments to fill vacancies since the last adjournment of the Legislature on May 1, 1851.*

DATE.	NAME OF OFFICER.	OFFICE.	REMARKS.
1851.			
May 1,	G. K. Fitch,	State Printer,	vice Jas. B. Devoe.
" 22,	E. Heydenfeldt,	Judge 7th Judicial District,	vice Robt. Hopkins, absent from State.
" 29,	T. B. Readon,	Judge Sutter County,	vice G. N. Mott, resigned.
" 8,	Wm. H. Richardson,	Qr. Master General,	vice J. C. Morehead.
" "	Vi Turner,	Port Warden, San Francisco,	vice B. Kay, resigned.
" 6,	Jas. Eyre,	" "	vice E. J. Moore, removed.
" 28,	O. P. Sutton,	Pilot Commissioner, San Francisco,	
" "	Jas. H. Blood,	" "	
" "	Robt. E. Hunter,	" "	
" "	Jas. R. Molony,	" "	
June 16,	Myron Norton,	Associate Justice, superior Court, San Francisco,	vice H. C. Murray, resigned.
" 23,	J. M. Estill,	Brig. Gen., 1st Brigade, 2d Division,	
" 27,	S. M. Miles,	Brig. Gen., 1st Brigade, 1st Division,	vice Thos. J. East- and, resigned.
July 1,	J. M. Estill,	Maj. Gen., 2d Division,	vice J. M. Brackett, resigned.
" "	Thos. Sunderland,	District Attorney, 6th Judicial District,	vice M. S. Latham, resigned.
" "	Henry H. Hartley,	Judge Yolo County,	vice P. A. Marguam, resigned.

DATE.	NAME OF OFFICER.	OFFICE.	REMARKS.
1851.			
" "	John J. Hughes,	Judge Colusi Coun- ty,	vice Holland, resign- ed.
" 9,	C. C. Gaugh,	District Attorney, 5th Judicial District,	vice J. K. Shafer, re- signed.
" "	Jas. P. Keating,	Pilot, San Diego,	
Aug. 6,	Martin E. Cooke,	Judge Sonoma coun- ty.	vice H. E. Green, de- ceased.
" "	Wm. O. King,	Judge Sonoma coun- ty,	vice Martin E. Cooke declined.
" 13,	Ferris Foreman,	Judge 6th Judicial District,	vice Tod Robinson, resigned.
" 19,	John Horrell,	Judge Napa County,	vice John S. Stark, resigned.
" 27,	A. J. Barney,	Judge Marin county,	vice Shorb, resigned.
Sept. 15,	W. H. Fauntleroy,	Pilot, San Diego,	vice Jas. P. Keating, removed.
Oct. 5,	Oliver C. Emory,	Judge San Joaquin County,	vice Benjamin Wil- liams, resigned.
" "	George W. Staples,	Pilot, Humboldt bay,	
" "	E. B. Hunt,	" "	
" 14,	Selim E. Woodworth,	Brig. Gen., 4th Divi- sion, 1st Brigade,	vice Thos. H. Bo- wen, resigned.
" 18,	J. N. Briceland,	Port Warden, Sacra- mento City,	
" 25,	Albert Brenholm,	Port Warden, San Francisco,	vice Emil Junge, re- signed.
July 23,	Thos. Brennan,	" "	vice J. M. Huxley, resigned.
" 24,	Emil Junge,	" "	vice Vi. Turner, re- signed.
Oct. 15,	H. T. Booraem,	Judge San Joaquin County,	vice O. C. Emory, resigned.
" 5,	J. E. Wyman,	Pilot, Humboldt bay,	
July 29,	E. D. Hammond,	Ass. Adjutant Gen.,	
Oct. 11,	Hugh C. Murray,	Assoc. Justice, Su- preme Court,	vice Nathaniel Ben- nett, resigned.
" 26,	Delos Lake,	Judge 4th Judicial District,	vice Levi Parsons, resigned.
Dec. 6,	James W. Denver,	Brig. Gen., 1st Bri- gade, 2d Division,	vice J. M. Estill, re- signed.
" 19,	E. D. Hall,	Judge El Dorado County,	vice Vinal Daniels, absconded.

REPORT OF COMMITTEE  
TO CONFER WITH GENERAL VALLEJO.

*Mr. President:—*

The Joint Committee appointed by the Senate and Assembly to confer with General M. G. Vallejo, in regard to the removal of the Legislature from Vallejo, report :

That soon after their appointment they informed Gen'l Vallejo of the fact, and requested him to meet and confer with said committee : That on the 24th inst. the committee met with Gen'l Vallejo, and received from him the annexed communication, which is herewith submitted.

Your Committee believe that the request contained in that communication should be complied with, and therefore submit to the Senate the accompanying resolution.

MARTIN E. COOKE,  
*Chairman Senate Committee.*

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[ COMMUNICATION. ]

SACRAMENTO, *January 24th*, 1852.

*Gentlemen:—*I have to request that the Bond submitted by me in conformity with an Act passed Feb. 14th, 1851, "providing for the permanent seat of Government of the State of California," be cancelled and annulled.

Many difficulties interposed at an early day after the passage of the act aforesaid, to embarrass me in the execution of the obligations imposed upon me by the provisions of that act. An association was formed by me with some of the most enterprising citizens of the State, with whose aid I proposed to develop the resources dedicated by me for the fulfilment of the obligations referred to. This association, after much fruitless effort, gra-



dually ceased to have any practical life or vigor, and I proceeded myself to provide a temporary State House and offices of State, to be in readiness for the meeting of the Legislature on the 5th inst., as was provided for in the act aforesaid. This obligation, I submit, has been fully and faithfully performed, but owing to circumstances over which I have had no control, arising directly and indirectly from the action of the Executive and Legislative Departments of the Government, the credit and resources dedicated by me to the further prosecution of the enterprise, and the obligations imposed upon me by the Bond aforesaid, have been shattered and destroyed.

I have the honor to remain,

Very respectfully,

Your Obedient Servant,

M. G. VALLEJO.

To Messrs.

Cooke,  
De la Guerra,  
Soule,  
Paxton,  
Pacheco,  
Cutler,

} *Joint Committee of the Senate and  
House to confer with M. G. Val-  
lejo, &c. &c.*

## COMPTROLLER'S REPORT NO. I.—ACCOMPANYING MESSAGE.

COMPTROLLER'S OFFICE,  
Sacramento City, January 22, 1852. }

TO HIS EXCELLENCY, JNO. BIGLER,

Governor of the State of California :

*Sir :—*

In answer to your letter of inquiry of this date, I have the honor to report the following Statement, showing the amount of civil debt of the State, Dec. 31, 1851.

1. Comptrollers Warrants outstanding December 31, 1851, - - -	\$166,192 84	\$166,192 84
2. Three per cent. Bonds outstanding Dec. 31, 1851, - - -	147,075 00	
Interest due on same, - - -	94,196 11	241,271 11
3. Seven per cent. Funded Bonds, outstanding Dec. 31, 1851, - -	379,500 00	
Interest due on same, - - -	10,000 00	389,500 00
Total civil obligation outstanding -	\$796,963 00	\$796,963 95

## WAR DEBT.

War Bonds outstanding December 31, 1851, . . . . .	\$200,000 00	
Interest due on same, . . . . .	12,000 00	
War Loan Warrants outstanding December 31, 1851, . . . . .	223,375 00	233,375 79
War Claims yet to be presented, estimated at . . . . .	1,000,000 00	1,000,000 00
	\$1,445,375 79	\$1,445,375 79
Civil debt as above, . . . . .	796,963 95	
War " " . . . . .	1,445,377 79	2,242,339 74
Total, . . . . .	\$2,242,339 74	\$2,242,339 74

(Signed,)

W. S. PIERCE,  
Comptroller.

SPECIAL REPORT  
OF THE  
STATE COMPTROLLER.

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*To the Honorable the Senate of the  
State of California :*

GENTLEMEN—In compliance with a resolution of your body, passed January 20, 1852, requiring certain information referred to therein, I have the honor to submit the following :

First—An Abstract of Taxes assessed for the year 1851, in each County, on property, polls, &c., showing the amount charged against each county separately.

Second—Statement showing the amount paid by each County into the State Treasury, from July 1, 1851, (commencement of the present fiscal year,) to January 1, 1852.

Third—Statement of Taxes chargeable to each County, and the payments made on the same for the fiscal year 1851, to January 1, 1852, and delinquent list reported by each County, in tabular form.

Fourth—Statement of the Counties that have settled in full the present year.

Fifth—Of those that have made partial settlements.

Sixth—Of those that have made no partial payments whatever since the commencement of the present fiscal year.

ABSTRACT of real and personal property, with the taxes assessed on the same, and poll tax assessed for the year 1851, as returned to the Comptroller of State by the several County Auditors.—The returns from the 3 remaining counties will increase the amount of taxable property in the State to \$50,000,000.

Number.	Names of Counties.	Number of acres of land.	Value of lands and improvements.	Value of lots and improvements.	Value of personal property.	Total value of property.	State taxes on same at 50 cents on the \$100.	Interest tax Poll tax on same at assessed. the \$100.	State tax on billiards and ten-pin alleys.	Total amt't of State taxes chargeable to each County.
1	Butte,	7,870	\$137,640	\$7,300	\$388,982	\$333,932	\$2,669 76	\$800 92	\$1,992	\$7,175 50
2	Colusi,	233,434	127,500		239,981	367,661	1,838 30	551 49	292	2,591 79
3	Contra Costa,	327,725	1,114,513	136,745	502,390	1,753,648	8,768 24	2,630 40	231	11,629 71
4	Calaveras,	No returns.								
5	El Dorado,	1,770,722	739,368	151,022	546,651	697,673	3,488 36	1,046 50	2,424	7,156 86
6	Los Angeles,			306,159	1,142,465	2,187,992	10,939 96	3,281 93	1,192	15,558 89
7	Klamath,				19,770	19,770	98 85	29 65	96	124 40
8	Marin,		476,000		236,475	756,375	3,781 87	1,134 56	194	5,110 43
9	Mariposa,				160,435	160,435	996 17	237 91	864	2,098 08
10	Monterey,	744,777	580,865	381,172	676,271	1,638,308	7,711 10	2,312 32	568	11,552 05
11	Napa,	218,826	505,623	43,085	254,432	803,140	4,015 70	1,204 70	384	5,604 41
12	Nevada,		216,000		470,080	686,080	3,430 40	1,029 12	3,980	8,439 52
13	Placer,	5,100	10,000		294,192	304,192	1,520 96	456 28	1,146	3,123 24
14	San Francisco,				17,794,711	88,973 06	26,692 06	1,332	1,575 00	118,572 06
15	Sacramento,			10,779,137	7,015,574	17,794,711	88,973 06	9,496 53		41,151 65
16	San Joaquin,	85,274	258,277	4,426,541	1,904,483	6,331,024	31,653 12	2,572 78	1,092	12,240 72
17	Santa Clara,	No returns.			688,997	1,715,189	8,575 94			
18	San Luis Obispo,	445,472	231,926	32,000	196,604	460,530	2,302 65	690 79	170	3,163 44
19	Santa Barbara,	1,339,000	350,200		470,800	821,000	4,078 97	1,231 50		5,456 32
20	San Diego,	511,235	274,790	354,514	191,507	820,811	4,104 05	1,231 21	52	5,387 26
21	Solano,	132,810	252,224	769,140	157,392	1,478,756	5,893 78	1,744 71	230	8,960 49
22	Sonoma,	580,936	711,909	268,771	646,892	1,627,572	8,137 86	2,419 37	968	11,525 23
23	Sutter,	361,577	287,354	92,138	262,240	741,732	3,708 66	1,112 59	1,044	5,865 25
24	Shasta,	26,664	11,165		854,859	497,025	2,485 12	745 50	1,588	4,931 12
25	Tuolumne,	661	7,500	300	509,427	705,025	3,525 12	1,057 53	2,501	8,086 65
26	Trinity,		No returns.							
27	Santa Cruz,	444,163	860,942		319,404	1,180,346	5,901 73	1,768 58	530	8,200 31
28	Yolo,	265,387	214,387	41,100	343,856	599,343	2,996 72	899 01	724	4,619 73
29	Yuba,	106,603	226,429	469,777	1,198,206	1,894,412	9,472 06	2,841 61	2,400	14,713 67
		7,658,238	\$7,694,813	\$19,026,846	\$19,324,345	\$46,276,702	\$231,070 45	\$69,219 63	\$26,907	\$2,260 50 \$333,138 79



# STATEMENT OF PAYMENTS MADE INTO THE STATE TREASURY,

*From July 1, 1851, to January 27, 1852, inclusive.*

Names of Counties.	Taxes of 1850.	Taxes of 1851.
Butte,		\$3,064 85
Contra Costa,		9,690 04
El Dorado,	\$541 17	5,841 84
Los Angeles,		10,593 32
Marin,		4,402 03
Monterey,		9,135 23
Napa,		4,790 70
Nevada,		6,626 00
Placer,		3,518 66
San Francisco,		89,210 84
San Francisco Gaming Tax,		14,250 00
Water Lot,		1,000 00
Sacramento County,	14,688 77	31,694 59
Santa Clara,		10,597 60
San Joaquin,		11,224 68
Santa Barbara,		3,621 26
San Diego,	1,792 00	1,296 00
Santa Cruz,	817 67	7,085 36
Solano,		4,000 00
Sutter,		1,000 00
Shasta,		3,338 43
Tuolumne,	4,681 88	
Yolo,		2,701 60
Yuba,	48 82	7,676 94
	<hr/> \$22,570 31	<hr/> \$245,359 97
		22,570 31
Total receipts,		<hr/> \$265,930 28

## STATEMENT OF THE AMOUNT OF TAXES

Chargeable to each County, the payments made on the same, and the delinquent list on same, for the year 1851—2.

Number.	Names of Counties.	State Taxes chargeable to each County. \$2,65 on \$100,00.	Auction and Gaming Tax reported.	Total Tax due State.	Payments made on same by each county.	Delinquent State Tax reported by each County.
1	Butte,	7,175 50		7,175 50	3,064 85	3,683 14
2	Colusi,	2,591 79		2,591 79		
3	Contra Costa,	11,629 71		11,629 71	9,690 04	1,514 89
4	Calaveras,	No returns.				
5	El Dorado,	7,156 86	2,711 96	9,868 82	5,841 84	
6	Los Angeles,	15,588 89	38 05	15,596 94	10,593 32	3,086 75
7	Klamath,	224 40		224 40		
8	Marin,	5,110 43		5,110 43	4,402 03	557 24
9	Mariposa,	2,098 08		2,098 08		
10	Monterey,	11,552 05	408 76	11,960 81	9,135 23	1,801 79
11	Napa,	5,604 41		5,604 41	4,790 70	454 47
12	Nevada,	8,439 52		8,439 52	6,626 00	
13	Placer,	3,123 24	1,481 29	4,604 53	3,518 66	765 57
14	San Francisco,	118,572 06	28,199 00	146,771 06	103,460 84	
15	Sacramento,	41,151 65	14,770 69	55,922 34	30,694 59	
16	San Joaquin,	12,240 72	2,894 96	15,135 68	11,224 68	3,326 55
17	Santa Clara,				10,597 60	
18	San Luis Obispo,	3,163 44		3,163 44		
19	Santa Barbara,	5,456 32		5,456 32	3,621 26	
20	San Diego,	4,387 26		5,387 26	1,296 00	
21	Solano,	8,960 49		8,960 49	4,000 00	
22	Sonoma,	11,525 23		11,525 23		
23	Sutter,	5,865 25		5,865 25	1,000 00	
24	Shasta,	4,931 12	1,803 40	6,734 52	3,338 43	
25	Tuolumne,	8,086 65	8,086 65			
26	Trinity,					
27	Santa Cruz,	8,200 31		8,200 31	7,085 36	743 61
28	Yolo,	4,619 73		4,619 73	2,701 60	
29	Yuba,	14,713 67	1,462 70	16,175 37	7,676 94	
		\$333,138 79	\$53,770 81	\$386,909 60	\$245,359 97	\$15,934 01

Fourth—Counties that have settled in full, viz: Butte, Contra Costa, Marin, Napa, Placer, San Joaquin.

Fifth—Counties that have made partial payments: El Dorado, Los Angeles,\* Monterey, Nevada, Santa Clara, San Diego, Santa Cruz, Santa Barbara, Solano, San Francisco, Sacramento, Sutter, Shasta, Yolo, Yuba.

The intelligence from officers engaged in the collection of the residue of revenue (as well as from other sources of information) from the above named Counties, warrants the belief that they are faithfully engaged in the performance of their duties, and that the balance due from the same will, in a reasonable time, be paid over.

Sixth—Counties that have made no payments whatever, viz: Colusi, Calaveras, Mariposa, Sonoma, Tuolumne, San Luis Obispo, Klamath, Trinity.

Advices from most of the Counties just enumerated, assure me that early payments will be made.

Owing to the fact that the County Treasurer of Tuolumne County had returned but a partial duplicate of Taxes assessed for the year 1851, and that nothing had been paid on that year, there being a suit also pending against him for arrears of taxes due and unpaid for the year 1851,—representations having been made to me with regard to taxes in his hands, collected the present year, I directed the Attorney General to proceed to that County for the purpose of securing and collecting the same of the officer against whom it stood charged. I also instructed him to direct the District Attorney of that County to immediately prosecute all delinquents who had either failed or refused to pay license and other taxes.

I am informed by the Attorney General, since his return, that he received from said Treasurer \$1,573 12, who also signified his intention of proceeding, without delay, to pay over still more, as soon as possible. The opinion of the Attorney General with regard to the state of things in this relation is, that although the conduct of the County Treasurer referred to would be highly reprehensible, if not meriting a prompt enforcement of the penal laws to which he is clearly amenable, still the palliatory circumstances detailed by him, should in some degree alleviate its rigid enforcement, and at least allow him time to settle with this department. I should perhaps add that the Attorney General conceives the official bond of said Treasurer to be ample, as security to the State against loss.

From Calaveras County not a cent has been received into the Treasury

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\* It is but just to add, in this connection, that the Treasurer of Los Angeles County arrived in this city, prepared to settle in full, at the period of the removal of the Government from Vallejo to this place, and was compelled to delay the same until the arrival of the archives of this and the Treasurer's office. They having been delayed by a writ of mandamus, a settlement could not be made. In the meantime, he was robbed of \$1,000. With this exception, he has settled in full.

since the organization of the State Government. Nor has even a duplicate of taxes assessed for the year 1851 been returned to this office, as required by law.

I am however happy to state that the humiliating position of that County in this respect is not attributable to its citizens, as I have reliable assurances that they have paid and are willing to pay their taxes to the proper officer.

Therefore the gross and criminal neglect in failing or refusing to make returns of moneys collected, or the unlawful squandering or appropriating the same for private purposes, if not wholly attributable to the officer charged with the collection, the contrary must be manifested hereafter by an early and prompt settlement of arrears, and the faithful and full payment of moneys known to have been collected in that county.

The experience of this department in the prosecution of the delinquency of several of the County Treasurers and others charged with the collection of revenue, through the medium of the several District Attorneys, most clearly indicates that some change is rendered necessary in the system, with the view to greater efficiency and promptitude as well as safety.

In this respect, and with a view of proceeding against delinquents hereafter, it is suggested that the powers of the Comptroller be more clearly defined, and that he be expressly authorized to proceed at his discretion, criminally, against any defaulting Treasurer or Collectors of taxes instead of the slow process of a civil suit, subject to all the usual delay attending the present system of litigation.

Respectfully submitted,

WINSLOW S. PIERCE,  
Comptroller of State.

For the information of the Senate, many of whom have made the inquiry recently, I have thought proper to append a

#### STATEMENT

Of the condition of the three per cent. Bonds on the 31st day of January,  
1852.

Amount outstanding January 1, 1852,	\$147,075 00
Amount of interest due on the same, January	
1, 1852,	94,196 10—\$241,271 10
Amount carried forward,	\$241,271 10



Amount brought forward,	-	-	\$241,271 10
Amount of three per cents redeemed during the month of January, 1852,	-	23,450 00	
Interest paid on same to day of redemption,	-	14,149 19—	37,599 19
Amount of three per cent. Bonds outstanding on the 31st day of January, 1852,	-	123,625 00	
Interest due on the same up to said date,	-	82,878 70—	206,503 70
Showing a total of Bonds and interest, January 31, 185 2, of			<u>\$206,503 70</u>

# REPORT OF THE STATE COMPTROLLER.

COMPTROLLER'S OFFICE,  
Sacramento City, January 22, 1852. }

TO HIS EXCELLENCY, JNO. BIGLER,

Governor of the State of California :

*Sir :—*

In answer to your letter of inquiry of this date, I have the honor to report the following Statement, showing the amount of civil debt of the State, Dec. 31, 1851.

1. Comptrollers Warrants outstanding December 31, 1851, - - -	\$166,192 84	\$166,192 84
2. Three per cent. Bonds outstanding Dec. 31, 1851, - - -	147,075 00	
Interest due on same, - - -	94,196 11	241,271 11
3. Seven per cent. Funded Bonds, outstanding Dec. 31, 1851, - -	379,500 00	
Interest due on same, - - -	10,000 00	389,500 00
Total civil obligation outstanding -	\$796,963 00	\$796,963 95

## WAR DEBT.

War Bonds outstanding December 31, 1851, . . . . .	\$200,000 00	
Interest due on same, . . . . .	12,000 00	
War Loan Warrants outstanding December 31, 1851, . . . . .	223,375 00	233,375 79
War Claims yet to be presented, estimated at . . . . .	1,000,000 00	1,000,000 00
	\$1,445,375 79	\$1,445,375 79
Civil debt as above, . . . . .	796,963 95	
War " " . . . . .	1,445,377 79	2,242,339 74
Total, . . . . .	\$2,242,339 74	\$2,242,339 74

(Signed,)

W. S. PIERCE,  
Comptroller.

# STATEMENT OF PAYMENTS MADE INTO THE STATE TREASURY,

*From July 1, 1851, to January 27, 1852, inclusive.*

Names of Counties.	Taxes of 1850.	Taxes of 1851.
Butte, . . . . .		\$3,064 85
Contra Costa, . . . . .		9,690 04
El Dorado, . . . . .	\$541 17	5,841 84
Los Angeles, . . . . .		10,593 32
Marin, . . . . .		4,402 03
Monterey, . . . . .		9,135 23
Napa, . . . . .		4,790 70
Nevada, . . . . .		6,626 00
Placer, . . . . .		3,518 66
San Francisco, . . . . .		89,210 84
San Francisco Gaming Tax, . . . . .	1,000 00	14,250 00
Sacramento County, . . . . .	14,688 77	31,785 09
Santa Clara, . . . . .		10,597 60
San Joaquin, . . . . .		11,224 68
Santa Barbara, . . . . .		3,621 26
San Diego, . . . . .	1,792 00	1,296 00
Santa Cruz, . . . . .	817 67	7,085 36
Solano, . . . . .		4,000 00
Sutter, . . . . .		1,000 00
Shasta, . . . . .		3,338 43
Tuolumne, . . . . .	4,681 88	
Yolo, . . . . .		2,701 60
Yuba, . . . . .	48 82	7,676 94
	<hr/>	<hr/>
	\$23,570 31	\$245,451 47

From Calaveras, Klamath, Sonoma, San Luis Obispo, Tuolumne, Mariposa and Trinity, no returns of 1851.

I hereby certify the above to be correct.

(Signed,)

W. S. PIERCE,  
Comptroller of State.

REPORT OF THE  
SPECIAL COMMITTEE

ON THE DISPOSAL OF THE PUBLIC LANDS OF THE UNITED STATES  
IN CALIFORNIA.

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SENATE CHAMBER, *February 12, 1852.*

The Special Committee to whom was referred the resolution upon the subject of the disposal of the public domain of the United States in the State of California, have had the same under consideration, and conformably thereto, respectfully report the annexed Memorial of the People of California to the Congress of the United States, and also the accompanying resolutions, and recommend their adoption.

A. ANDERSON, *Chairman.*  
JACOB R. SNYDER,  
JAMES WALSH,  
S. C. FOSTER,  
JAMES M. ESTILL.

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[ MEMORIAL. ]

*To the Senate and House of Representatives of the United States in Congress assembled:*

The people of the State of California respectfully submit for your consideration :—

That you will declare by legislation, that the whole of the public domain in California, which is suited to agriculture and grazing, shall be and remain forever open and free to every actual settler, being an American citizen, or having declared his intention to become such, and that you will make a donation to such settler of 160 acres of land.



And they further submit, that you will likewise declare that the whole of the mineral lands shall be, and remain open and free of tax, to the labor of every American citizen, and that you will provide for the protection of the labor and investments of miners against all interference whatever.

Your memorialists herewith respectfully present their views in support of these propositions, and ask for them your just and friendly consideration.

The reasons in favor of the propositions which we submit to you, we believe to be founded on a state of facts which will admit of the adoption of no adverse policy, with a due regard to the future.

In respect to the public lands of California, it is believed that it may be correctly estimated, that fifteen millions of acres have been granted under the Mexican authorities, before the treaty of Guadalupe Hidalgo. That portion, therefore, which remains, is very inconsiderable, compared with the extent of our territory. In this particular, our situation is very different from that of any of the new States of the Union. Within the whole of the territory of Louisiana, as acquired under the Treaty of 1803, with France, the private claims for land did not include one arable acre in one hundred thousand; and the settlement of the several great states embraced by that treaty was not, therefore, affected by the interposition of individual rights. The prices which such owners fixed upon their possessions, did not prevent emigrants from obtaining the best lands, at the lowest prices; because the great mass of them was held by the Government. But the reverse of this with us, and the fancy rates which each claimant sets upon his land, preclude their occupation by the emigrant. In connection with this fact, the peculiar character of our climate makes it necessary to select locations for settlement which are susceptible of being irrigated from running streams. This preparation for culture, in a country where labor is at a standard never before known in the history of the world, is so high as to regulate the operations of every farmer within very narrow limits; and, even at that, subjects him to large expenditures. It is by no means a remarkable fact with us, that to reduce a single acre to cultivation will cost a thousand dollars, and will vary from that down to the minimum sum which would be considered extravagant for the full value of the land itself, if even near one of the great cities of the Atlantic. The settlement of our public lands here, therefore, will be the work of patience, perseverance, great care, considerable risk, and large expenditures. There are, in many situations, exceptions to this, but the country, as a whole, will have to be occupied under these circumstances.

There is a large body of arable land, where no running water is to be found during the season in which it is needed to assist the growing crops. This class of the public lands will, of course, be the last to attract the attention of the farmer. In the progress of years, we have no doubt, his enterprise and industry will master this difficulty, and the process of supply from wells, suitably located within the cultured grounds, will be resorted to most successfully. In these experiments, however, it will be perceived at once, that an increased expenditure of money will have to be made.

Another feature of California is the scarcity of timber, which ought not to be passed over, because it presents itself in a most practical form; and every settler will find his difficulties and moneyed investments considerably augmented by it. In the northern portion of the State, the supply of wood is more easily obtained, particularly near the streams, and contiguous to the base of the mountains. But for more than six hundred miles southward from the Sacramento river, the country, which is in many places, highly adapted for cultivation, may be considered as one vast prairie, dotted at remote distances with sparse woodlands. North from that line, after receding some fifty miles from the coast, there is an occasional supply of timber, but not in very large quantities, and generally remote from the points at which it would be required for the use of the settler. Under any circumstances, to obtain wood for farming and building purposes, will require great labor, and at a cost far exceeding the most extraordinary estimates; and which, if stated in an account current to a citizen of the Atlantic, would appear almost incredible.

To these facts, which are presented in the prospective settlement of this country, must be added many others, which cannot be disregarded, where the object is to remove incumbrances from the enterprise of the the emigrant, and raise up his spirit with encouragement, so that numbers, full of hope and resolution, may follow his example, and make of the few settlers many, and out of a new state a great one.

Among the items in the list of the settler, are the very high prices which he has to pay for all the provisions he and his family must consume for the first and second years after his settlement. He cannot hope to supply himself with breadstuffs from his own labor, until the population around him is large enough to justify the erection of mills. The facilities for doing this are not equal in this State, to what they are in any of the new States of the Union. The causes are obvious, and unnecessary to be repeated.

In summing up the difficulties incident to the settlement of this State, our great distance from the parent country cannot be omitted, in the group of facts which we propose to array for your consideration. Hitherto, probably, equal proportions of emigrants have reached us by water; but the large mass who have come amongst us in that way, were mostly in search of mineral and commercial adventures, with the expectation of returning after a residence of a year or two. A small number, only, of those will be likely to make agricultural settlements. It is true, that some of them, we might say many, although disappointed in the expectation of obtaining sudden wealth, pleased with our mild and salubrious climate, and assured by observation, of the certain and attractive advantages offered on the Pacific to industry and perseverance, will, weighing these against the interests and associations which they have left, take them as a fair equivalent and conclude to remain. However all this may be, the cost of emigration by that route, including the incidental expenses which they incur before they can engage in any profitable pursuits, is very great, and usually closes the account against the emigrant, without leaving him a dollar to spare.

But the line of travel by which we may expect the hardy pioneer, generally to come with his wife and children, will be by land. It is the mode most familiar to his mind and habits, and in which he can bring with him his cattle and horses, to assist his progress and serve his purposes of settlement in his new home. Of the expenses of this undertaking, at a distance of more than two thousand miles to the nearest practical point for cultivation in California, it is simply necessary to say, they are not much below those of a voyage by sea. As we have already suggested, one year may be set down for the preparations, journey, and location. Another must be added to get his farm ready for cultivation, and to produce from the soil by his own labor, the seed grains for the ensuing crops; so that the end of the third year will come, before he will have obtained the means of meeting the expenses of himself and family by his labor.

To the preceding causes, in part, are to be ascribed the fact, that out of an emigration of nearly two hundred thousand now in the State of California, but few, very few, have made settlements designed to be permanent. But for the difficulties and expenses referred to, it is almost certain that ten times the number would have engaged in cultivating the soil.

The actual cost of coming to and settling in this country, may be set down, at a fair estimate, to exceed eight times that of an emigrant to one of the States or territories in the valley of the Mississippi, including the two hundred dollars which he pays for one hundred and sixty acres of land. The latter may reach Missouri, Iowa, or Minnesota, by an outlay in money, for himself, wife and five children, of two hundred and fifty dollars. For his one hundred and sixty acres he will pay two hundred dollars. His cabin will cost him thirty-five dollars, (and frequently not more than ten,) making in all the sum of four hundred and eighty-five dollars. He also reaches the point of his destination with every farming implement necessary to commence operations, and with most of the household conveniences suited to his wants. He finds a supply of corn at fifty cents a bushel, and an abundance of beef and pork at three dollars per hundred.

The emigrant to California proceeds at an expenditure, from the Missouri river, including his whole outfit for himself and family of equal numbers, of not less than two thousand dollars. When he reaches here he finds flour worth twenty dollars per barrel, and beef not less than twenty-five cents per pound. The first cabin of wood which he builds costs him five hundred dollars. His preparations for farming, including his support of himself and family for one year, will not be less than fifteen hundred dollars. So the expenses of his emigration and settlement will be equal to four thousand dollars.

This estimate is made upon an assumed equality of supplies, and means for emigration and settlement, between the one who stops within the valley of the Mississippi and he who protracts his journey to the Pacific. The expenses of either might be reduced one-third by rigid economy, by diminishing the comforts and conveniences necessary to the health of the emigrant. The whole expense, therefore, with this reduction, of the removal



of a family to California, would not be, probably, less than twenty-five hundred dollars. Of this sum they would have at their arrival, in property, fifteen hundred dollars. The loss would not be less than one thousand.

This brief statement of facts is submitted for your consideration, with a view to show that such are the difficulties and expenses of emigration to and settlement in this country; that it is the policy of the Government to exact nothing from the actual settler for the one hundred and sixty acres of land which he may desire to occupy. It is true that the sum of two hundred dollars is very small to him who has it to pay, and will suffer no inconvenience at parting with it. A homestead to him is worth more than that. But to him who has passed through the fatigues and trials of a journey of thousands of miles, it is a heavy and oppressive demand. It is the last hundred dollars drawn from the banker, which breaks him.—So it is *that* last two hundred dollars demanded of the emigrant, which would leave him powerless.

The statements which we submit in regard to our country, show that the settlement of it can only be effected by the generous encouragement and fostering care of the General Government—that without this, it may be postponed to an indefinite period, between the causes which we have enumerated on the one hand, and the constant inducements to mining pursuits on the other, which will draw the emigrant from the less exciting labors of agriculture. By relieving the settlement of the country from any payments, by actual settlers, for one hundred and sixty acres of land for each, a class of men will be favored who have less money but equal merit, and whom it is the policy of a republic especially to encourage, in forming permanent and fixed associations which will bind them by their affections as well as their interests.

In reference to the agricultural settlement of this country being controlled by the causes which we have indicated, the comparison between our condition and that of any new State or territory within the valley of the Mississippi, will fully illustrate. The great mass of the emigrants there at once settle down, without any drawbacks of unexampled prices, or inducements to divert them from the quiet tillage of the earth. They form a solid body, directing all their energies in like pursuits and to similar ends. The success of each secures the safety of the whole, and the advantages of reasonable rates of living inure to the benefit of every family who comes in to be added to the circle of new adventurers. Increased consumption is certain to be followed by augmented and multiplied productions, and at low values. With us it is widely different. The constant question here, more than elsewhere, of the means of support, presses itself daily upon the anxious attention of the settler, who has the sacred responsibility of a wife and children. If he is to be successful in his farming operations, he cannot turn aside from it for a moment. If he does, the experiment which he has begun, must fail. In any event, he will not find the productions from the soil to correspond with the ratio of the incoming population, because the area of the mineral region is fast extending, and with the probability that it will embrace the whole range of our mountain region.



The business of mining will not, consequently diminish, and the consumption of breadstuffs, and of meat, and of every article of commerce and manufactures, now used as of prime necessity, will continue to increase; and the prices for a long series of years remain, with very few changes, comparatively stationary. The prices of labor in such event, will also continue unaltered. To some extent, this will work a reward to the agricultural laborer; but it must be borne in mind that this will pass into his hands only after several years from the date at which he leaves his fatherland. During this probation of labor, and postponement, he will be constantly undergoing heavy expenditures, which are unknown to, and difficult to be believed by his brethren, whom he has left in his former home. The very successes of mining cause him thus to encounter, at the threshold, those very prices which afterwards become the recompense of his risk, industry and perseverance. In choosing, therefore, agricultural pursuits, with the burthen of a family, the incident of time which enters into the estimate with great force and effect, superinduces hazard, which it is impossible to avoid. It may be of total failure, proceeding from mistake in the conduct of farming operations, by new methods, or from the visitation of Providence. In either case, the result is alike fatal and destructive.—There is no help for the settler. That incident of time also superinduces that other conflict with the large prices and heavy expenditures to which we have adverted. Therefore, he must have inducements and generous encouragement.

Even with the gift of one hundred and sixty acres from the General Government, he pays a higher price by more than five hundred per cent., for coming to California and settling in it, than any of his countrymen who occupy an equal quantity of the public domain in the valley of the Mississippi.

There is no bounty in money asked from the Government. It is the gift of that which will cost it nothing, and which, we think, we are able to demonstrate will, in the end, be of more value to the republic, viewed in all its bearings, than the highest prices and the largest sale.

We take leave to recapitulate, briefly, the causes which induce our present application.

*First:*—The reduced proportion of arable lands of California, which now belong to the public domain, and which will be susceptible of prompt cultivation.

*Second:*—The expensive preparations necessary here for the settlement and culture of a farm, including the cost of living and of labor, and of improvements of every description—of irrigation, and of the protracted time before any reward return to the hands of the husbandman.

*Third:*—The distance of the seat of emigration, which can only be overcome at considerable risk and by large expenditures.

But there are other considerations in favor of granting to every actual

settler, one hundred and sixty acres of land. They are not less important, and are intimately connected with the highest national interests of our common country.

The policy of such a measure, when we contemplate all the relations to be affected by it prospectively, passes far beyond the diminutive extent of figures in dollars, which could be summed up as the value of the lands at the highest estimate.

*The basis of our proposition is the early, certain and successful settlement of the public lands in California.*

The country in which this is to be effected is by the land route, three thousand five hundred miles from the seat of the National Government. By the Coast and the Isthmus of Panama, six thousand. By Cape Horn, twenty thousand. The military access of the national power would be difficult and protracted under any circumstances. A state of war with the most powerful of the nations of the world, would put an end to *that* by sea. The inland approach by an army, would occupy a full hundred and twenty days, even with the best appointments, under the most skillful guidance. It is not probable so great a change will take place in the legislation of our republic, as to create a standing army so large that a division sufficient for the defence of this country, could be assigned to in time of peace, as a stationary force to be ever ready for the events of war. The spirit of our institutions will never permit an extent, like this, of national power. It could only be, as it has been in the history of other nations, when military power became absolute. That army which we have long kept, though now below the demands even of those objects, has been for the occupation of our most important forts, the protection of our frontiers against the Indians, and the preservation of a military nucleus, which the condition of mankind has not permitted us to neglect or disregard. In the absence of any enlargement of this power, we have always relied upon that of the people. Their will, their patriotism, and their numbers, have always been equal to every occasion. What then, with this very brief reference to our position, and the policy and history of our common country, would be the first wish of the heart of a patriot? Would it not be to give us people? That people who have always so loved their country—that people who have always met an enemy, and borne our banner triumphant—that people whom you may trust at home and abroad—that people whom you may trust in California—that people who, when once planted here, will protect your soil against the footsteps of a foreign foe.

When we ask for the gift of one hundred and sixty acres of land for each settler, we but ask you for an inducement for that people to emigrate, whom our distance makes it important to you, as well as ourselves, should be here as early as practicable, and as numerous as can come. It is but proposing to you to prepare, in time of peace, for that which you will not be able to do in time of war—to make ready for the defence of our country.

The truth of what we say as to the inability of the Government to pro-

tect us, promptly, in a great emergency, by an army to be transferred from the old States, enforces unanswerably, the argument in favor of encouraging the emigration of those who will become actual settlers.

We think we may also claim, without being subject to the imputation of unreasonable assurance, that our position is not only such as to require your most liberal legislative aid, but also, such as to enable us to return, by our industry and enterprise, a reciprocal encouragement to the commerce and manufactures of the nation, to an extent that has not fallen to the lot of any people more numerous than ourselves.

We rest our claim for your aid, therefore, upon the important facts :

That a large and patriotic population constitutes the strength of a country—that our remoteness from the central power of the Government, increases the necessity of adopting a policy which would, at an early day, add large numbers to those we now have—that the trials, risk, expense, and long delay of every emigration, and the new experiments in agriculture which have to be made here, require the co-operation of public liberality to sustain and give it full success. As it is now, we have nothing but the solitary efforts of individuals, whose distance from the parent country almost seems like exile, struggling to develop our resources, under circumstances trying and novel in the history of a State, and the first of the kind in the history of the nation. Our labors have already begun to foreshadow increased power and greatness to the nation. In this attitude we ask for your helping hand. We have prospective wealth to gather and lay at your feet, with which to enrich the industry of our Atlantic brethren, and to enlarge your commerce to the utmost borders of the earth.

Give us the means and inducements of having a fixed and settled population, and California is destined to sit as the Queen of the Pacific, commanding the commerce of Asia, by new exchanges, and guiding its vast wealth by new channels; and finally, adding to the triumphs of her peaceful and commercial prosperity, the control of the greatest whaling interests in the world.

Extend to us your fostering care—give us, by your policy, men; and by your laws, protection of our rights and labors; and in ten years, not a single vessel that sails on the Pacific, which shall strike the harpoon or draw the line, but will refit in the city of San Francisco; and her wealth and noble enterprise, will multiply the fleets and the numbers of the bold spirited sailors to pursue this mimicry of war.

These are large promises to make, but more than this has already been done, if we take the comparison of small things to great, and consider the disproportion of our numbers to the results of our labors.

We entertain full faith in your justice, and that this great nation will not lag behind the history of others. In their progress to power and greatness, the most liberal policy in respect to the public domain, proved to be the wisest, and was never for a single moment disregarded. The provin-



cial power of Rome was cemented by this. She never sold an acre of land, but considered the Roman citizen as better than the soil he occupied. If she is not fit to be imitated by us in most of her political features, she knew how to make a people great, and had to protect her borders by planting there her patriotic citizens. Great Britain, in the policy of her landed interests, has always been liberal to the emigrants to her colonies. She persuades and invites, and encourages them to the work of settlement. While by this policy she makes her colonies strong, they enrich her, and become the nurseries of her commerce. In this may be found, not the counting of present gain, but the security against future danger, and the certainty of ultimate power.

If there is any one truth which should be noted and studied more than another, in the philosophy of Republican Government, it is the wisdom of giving to every head of a family land enough to live upon. He is one of that million upon the power of whose arm, and the courage of whose heart, rests the safety and the glory of the republic. Then, cheer him on his weary way—he will be found fighting beneath your banner in the day of battle.

The secret of the enthusiasm for the settlement of every new country, lies in the love of the human heart for independence. The ownership of land is the basis of this secret. The household hearth is there. The tenement belongs to the settler, however humble, and the air he breathes, and the soil he treads upon there, are all of his own little freehold. He is king there, and surpasses in purity of feeling, the emperor who commands millions. Offer to the American this, as the free gift of his country, and he will take it with pride, and with no sense of humiliation, and no feeling of inferiority. He takes it to feel, as he does, that he is the ardent supporter of all her pure institutions of liberty, and the ready soldier of the republic. For that gift, he will go where he would follow no private man. The stars and the stripes, and the eagle guide him; and when he pitches his tent upon the fair lands of the Pacific, the first emotion with which his heart will swell, will be that of gratitude to his country. This is the man whom you may trust, and one of that glorious million who will help to perpetuate your unequalled Government.

In one word, there is nothing which so binds a people as a great landed interest. It makes them industrious in peace, and patriotic in war. That landed interest, other things being equal, is probably the true secret of the success of our free institutions; and if we urge these speculative views, as specially applicable to our condition, any objection against them will doubtless be modified in your judgment, by the remembrance that they proceed from your brethren, who address you from the shores of the Pacific, while you are legislating for them by the tide waters of the Atlantic.

Of the great subjects to which we have taken leave to call your attention, none can more deeply concern the future prosperity of California than that of the mineral lands.

We desire to submit very briefly, to your consideration, the views which



we entertain in relation to this important interest. It has been, as it now is, and will continue to be, if treated with skill, the basis of extraordinary national prosperity.

The mining population is probably not less than one hundred thousand, and all California is sensitively alive to whatever has a tendency to affect this interest. It would be productive of the most salutary consequences, if it could be so secured and protected as to leave no cause of apprehension to the public mind for the future. We, who are identified with it, in the midst of it, and a part of it, know that it requires to be approached by a generous and masterly policy, which will neither disturb it in its substantial relations and usages, nor leave it utterly unprotected in its adventurous investments. There is a wise and truthful medium to be observed, which requires great care and delicacy, and cannot be fully attained in the total absence of your legislative aid—nor is it desired that it shall pass beyond a very limited extent.

It is not our purpose to review the opinions which have been heretofore and often expressed on this subject, in regard to the sale or the lease of the mineral lands, further than to say experience, investigation and public discussion, have indefinitely postponed those plans as impracticable and unsuited to the condition of the mines; condemned by the enlightened judgment of the entire mass of the laborers, and which may now be safely esteemed to be obsolete, and not likely ever to be revived. Nevertheless, we think it due to the importance of the subject, and a fit occasion to express, respectfully, our unalterable opposition to any public sale or lease. We do this to avoid any possibility of future misinterpretation of our opinions.

In order to arrive at any correct judgment in regard to what is best for the present actual condition of mining, it will be necessary to state the case as it really now is, and as compared with the past, and the prospect which lies before us. With the knowledge which this will impart, the mind will naturally be directed to but one conclusion, so far as the fairest promotion of individual rights and the largest public benefits are involved.

It is unnecessary to pass back to the date of the discovery of the mines, or that unsettled state in which they long remained. What existed then, and continued for some time, were the necessary incidents of the most sudden and extraordinary development of mineral treasures ever known, and in a country having a mixed and varied population; and, at first, difficult to approach at all points. Things are different, at present; and with this change, the American population has regularly gained in numbers, and now constitute the great mass of our miners. Their enterprise has, in like ratio, carried their operations with the pick and shovel to the utmost limits of our northern borders, and as far south as King's river.

Exploring parties have, also, penetrated far beyond these points, examined with care, almost the entire range of the Sierra Nevada, often crossed its summit, and surveyed the hills below on the opposite slope,

within the supposed level of a gold bearing region. This indefatigable investigation of the mineral resources of our country, has been caused by the apparent exhaustion of a large proportion of the placers, the numerous occupation of others, and to some extent, by the restless spirit of the adventurous, which has not always been satisfied with the moderate products, that in many instances were obtained by their labors.

At present, the mining region, from the Trinity to the Fresno and San Joaquin, a distance of nearly six hundred miles in length, by about thirty in width, exhibits the appearance of a country dug over in all its ravines, gulches and streams, at many of its flats, and some of its hills. The miners not unfrequently resort to the old placers, and work them a second and often a third time. They make now, what are called *prospecting* examinations, in places which were formerly entirely disregarded. Their industry and enterprise have, generally, been more stimulated, as the facilities for procuring gold have diminished. The average product to each miner, who pursues his laborious work faithfully and with skill, may be rated at five dollars per day; and the value of labor ranges from four to five dollars, when the employment is only for daily service.

This has been very nearly the state of things for eighteen months, and it may be considered as one of the causes which directed the attention of the public to quartz mining.

The quartz was known to contain gold; but the difficulty and expense of obtaining it, long postponed the attempt. There are, perhaps, one hundred mills in operation, with the prospect that many more will be erected, if they can find proper encouragement. The quantity of quartz in the country, shaping itself into what are called leads, is very great, and pursuing the whole extent of the gold region, running north-west and south-east. A shaft of one hundred feet in the quartz rock, of the usual dimensions, will cost not less than five thousand dollars. The requisite machinery for stamping, &c., may be estimated at a like sum; so that the progress of the work will have to be very successful, to justify the first investment, and to continue further experiments. It cannot, however, be expected that the expenses of living and of labor, will diminish for a long time. The mining population will probably, as heretofore, multiply, and the consumption of all the necessaries of life will increase; and it is a fair presumption, that they will remain for a series of years nearly at the present prices. The quartz in California is amply abundant to employ for a century the whole mining population who are now here. It may be considered, perhaps, as inexhaustible. It will never, however, produce to individuals the same average rewards for their labor, as have been received from the placers. The items of capital, and the numerous failures to be taken into the account, will prevent this.

This statement of the actual condition of the mines, presents two distinct propositions.

*First:*—That the placer mines do not produce as much gold now to

each miner, as they formerly did; but owing to the increased number, the aggregate of production is fully equal if not greater.

*Second:*—That the quartz mines are susceptible, though at very considerable risk to the miner, of producing profitable results; and that the operations may be multiplied to any extent.

To obtain this latter result, so highly important to the commercial interests of the nation, by inducing the investments, it is desirable that Congress should secure to quartz miners the protection, by title, to their possessions. Without this, in the existing state of things, there is great reason to apprehend that the whole business will fail; because men cannot be induced, otherwise, to venture their money where the risk both as to gold and possession, is so considerable.

The details of such a measure are not difficult of adjustment, and are only necessary to embrace a reasonable extent of the lead for each man interested in that particular experiment. This being secured, a wide field will be opened to insure the increase of the quantity of gold in California. Without, however, such protection of title, the treasures which are locked up in the rocks, will remain undisturbed for an indefinite period. We should consider this as a serious calamity to California, and to the interests of our national commerce; and looking upon this subject with a view to the extensive influences it will exert, we desire to press its consideration most earnestly upon your favorable attention.

We know of no other mode in relation to this particular branch of mining, by which the labors and the capital of the miner can be encouraged to investment, and be made safe. Many have already invested all they have gained from the placers, and in some instances, incurred heavy responsibilities. They have gone forward, and with your protection are still ready to go forward in their work with a constancy of purpose, and a daily improving skill and knowledge, which are sure in the end to scrutinize, test, and develop the whole value of the gold bearing rocks. Of the one hundred mills now in operation, it is believed not one has yet been long enough employed to cover its original expenses. Few have resulted in the product of a nett per cent. upon the current operations, from day to day, and many may be said to have paid nothing. Of the more than thousand shafts, not six have rewarded the laborers; and the rest, varying in depth from twenty to one hundred feet, have made but a bare showing of gold. The perseverance, however, is here—for the miner is the most indomitable, as well as the most hopeful man living. He never gives up. But now, when he attacks the quartz, he has to strike so often and so long, without obtaining a grain of gold, and he has to invest so much money before he meets with any return, that he has the strongest claims upon that protection which we ask for him. Although it goes to him individually, it will inure to the whole country, its agriculture, commerce and manufactures.

The simple fact that the whole mines being declared by your legisla-



tion to be free to the labors of every American citizen, without any restriction or tax whatever; that every quartz miner shall be protected, by title, to the possession of his mines, and that the labors and investments of every miner shall also be protected, by title, so as to secure him in the right of possession, against the world, whether in the placers or the work of damming, or conducting distant streams to dry and auriferous flats, would have the most salutary tendencies, give encouragement to thousands of miners who have long struggled without having ever been repaid a single cent, curtail the great source of litigation, and cause a quiet confidence, which would be felt most happily in the entire extent of the mines.

This interposition of your legislation in favor of American citizens, would be, as we desire it should be made, the negation of the right of possession by foreigners. Of this class, thousands come here, with no wish nor intention, of ever becoming citizens. The means to this honor are free and easy. If it be obtained, it at once adjusts their rights. As it is, they carry off vast amounts of treasure, without leaving corresponding benefits behind them. Their places could and would be supplied by an American population, having a love and identity with the country, and all its interests. Menaced, as we are here, with a redundancy of that sort of foreign population, which was a misfortune to the countries from whence they came, and are now, with us, an increasing evil—facing, as we do, the Asiatic races, and the convict colonies of the greatest kingdom of the earth, we think it neither unreasonable nor illiberal, looking to the future, and the news that reaches us from every land of their incoming numbers, that we should think of and seek a remedy. As California now is, the privilege of having the advantages of American miners should be identified with American rights.

Your legislation for protection in the mode we have stated, will carry with it that consequence. It would do more than all we have stated. It would put to rest, forever, the question of sale and lease. It would dispose of the subject. Your legislation would make it a system for all future time. But as long as it is left open, the designs of scheming men, who live solely by their wits, will keep it agitated. It will continue the hack and hobby of the speculator, and the abused servant of the political partizan.

The truer basis of action is that of not being afraid to do right for fear of doing wrong; but to assume the responsibility of doing that which time will test, and the enlightened judgment of the country, founded upon experience, will approve and perpetuate.

As long as the important question of the future disposal of the mineral lands is suspended, it will be a fruitful source of mischief; and neither peace, security nor industry, will preserve their proper spheres, nor attain their legitimate ends.

In submitting our views upon the two great questions of the agricultural and mineral lands of California, we have asked for nothing which we



do not believe is founded upon the solid platform of truth : and we think our conclusions justified by our knowledge of the past, the condition of the present, and the prospect of the future.

In connection with these subjects, your memorialists would respectfully call your attention to a policy now proposed by the U. S. Indian Commissioners, in relation to the permanent disposal, into the hands of the Indian tribes, of a large portion of the most valuable agricultural and mineral lands belonging to the public domain.

We are aware of the question which has been marshalled in front of these proceedings, and which proposes to the public mind the choice of the extinction or protection of the red man, as the argument in favor of the policy that has been resorted to.

We profess to be neither behind the age in that philanthropy which embraces the happiness of the greatest number and the highest welfare of mankind : nor, we hope, deficient in the just sympathies which we should cherish for the aboriginal man of America. While we feel it to be a high duty of the Christian to preserve and protect him, and, as fast as practicable, to win his descendants from his savage ways, we are unwilling to see him placed in a false position as to himself, or as to us, by new relations, fashioned for him rather by mistake than by his actual condition. His history in California does not make the plan proposed necessary, as the best mode, either to prevent mischief or promote his happiness.

There are various tribes of Indians within the limits of our territory, who claim independence of each other ; but they are mere fragments, and few in numbers. Their numbers have been greatly over-rated, and are not well ascertained. It is stated by some of the old hunters, that the wild Indians do not equal twenty thousand ; and many of them have localities and residences which they frequent and occupy occasionally, east of the Sierra Nevada. A large portion of them once lived in connection with the early Franciscan Missions of California. The wild Indians are now mostly in the primitive condition in which the humane founders of those institutions discovered them. As to their mode of life, this is signally true. They have less force of character than the wild man of the great prairies, and would be far easier governed. They are as nomadic, and although they do not possess such lodges, nor transport them from point to point as he does, their rancheries are not more commodious, equally frail, and though fixed for a time, are often abandoned. They are accustomed to roam through the mountains to great distances, and regulate their wanderings by the season of the year, the appearance and disappearance of the snow, and the grass, the wild fruits and nuts of the forest, the game, and the numerous fish which periodically ascend the various streams flowing from the Sierra Nevada. They delight in the changing scenes of the simplest and rudest mountain life. These Indians are scattered from our northern border to the New river of the great desert of the Colorado, and the interior of the mountains in the rear of San Diego.

With these Indians the United States Commissioners have made treaties, and stipulated to locate their permanent homes so as to include, for most of them, large tracts of mineral and arable lands. Upon many of them our citizens resided, and were either engaged in cultivating the soil or digging for gold. At some points they owned ferries.

The miners who were digging for gold on the Indian reservations, and our citizens who occupied settlements on them for agricultural purposes, have been ordered to remove—their farms and ferries have been broken up, and the Indians placed between the mines and the commercial points from which they derive their supplies.

In every instance, without one single exception, the extent of each tract is utterly inadequate for the support of the Indians, after their former modes of life, and greatly too large for all agricultural purposes. The present plan will not assist the progress of their civilization, which is the avowed object and great end of protection. Upon this subject universal dissatisfaction prevails in our country. On the great thoroughfare leading from Stockton to Mariposa, they are assigned some of the ferries on the Merced. The Tuolumne and Stanislaus rivers, on the same routes, are also intersected by these treaties. Some of the most valuable agricultural and mineral lands of the State have been embraced by them.

It is proper to remark at this point, that there are two marked and distinct classes of Indians in California—the Wild Indians, and the Mission Indians. The treaties include both—and by their policy, would withdraw a large body of Indians who are now semi-civilized, from the locations which they peacefully occupy under the paternal protection of the old residents of the country. Some of them are in villages on private lands, and form almost entirely the laboring force of the farms and vineyards in the south. The number of Indians so situated in Los Angeles and San Diego counties alone, is not less than twenty-five hundred. For these, reservations to be occupied by compulsion, would be highly prejudicial. An attempt to change abruptly, their relations now, would affect them seriously, and strike a blow upon the agriculture of the south which would injure it deeply and for a long time.

Your memorialists feel assured, from all the facts which are daily transpiring, and the state of public feeling throughout the mines, that if those treaties are ratified, without any sufficient amendments to alter their permanent disposition of the public domain, it will be utterly impossible to prevent continued collisions between the miners and the Indians. It will not be owing to any objection of the former to the mining of the Indians in the placers; but it will be caused by the exclusive privileges attempted to be secured for Indians, to the mines always heretofore open to the labors of the white man.

The policy now proposed, of fixing permanent locations of the public domain in their hands, with exclusive privileges in the heart of the

mines, would be peculiarly dangerous and oppressive; and against which your memorialists most respectfully protest.

Your memorialists take leave respectfully to ask the entire modification of the treaties in relation to those locations—and that a substitute be made therefor, by the plan which we herewith propose.

We shall be gratified to see the payments and annuities provided by the treaties for the Indians, and remuneration for losses and injuries to our citizens, preserved in their ratification. We earnestly press, however, upon your attention, the total change of the landed feature; and, after patient investigation, and a full knowledge of the history of California and the Indians here, submit for your consideration the suggestion of a different system of policy to be incorporated into the amendments of the treaties—with instructions to be made to the United States Commissioners so to modify, and so to arrange them with the Indians—and to proceed to carry them into effect the plan which we propose. We do this, not only with perfect respect to you, but with the unquestionable conviction that you will appreciate the deep interest we have at stake, and kindly entertain our propositions.

It is not our intention to present any details of a system; but merely to indicate the general plan.

What we propose, is a system of missions for the Indians, and annuities to be paid in provisions and clothing, periodically, at such fixed and regular dates as may be found best suited to their condition, and so as to provide against their improvidence.

The missions and Indians to be under the general superintendence of one Indian agent, and two sub-agents.

The missions to be established at a few points, and each to embrace a certain number of tribes. The several tribes belonging to each mission to receive their annuities there, and a parcel of land to be assigned there sufficient for them to cultivate; and, with every laudable means to be used to induce them to do so. Their stock of every description should be protected by law, and have the same privileges of grazing with that of our own. To the Indians, should not be denied the right of hunting, nor that of digging peaceably in the mines, under the same regulations which we observe.

The Indians who are now residing on private lands, with the consent of the owners, or engaged in cultivating their soil, should not be disturbed in their position. They are already in the best school of civilization.

With suitable details of this general plan, and a wise and humane administration of it, more good would be done for that wild and unhappy race; fewer agents required; not as much money expended; not a hundredth part of the land occupied, and the peace of the country promoted, and every citizen satisfied.



The adoption of this plan would obviate the contemplated permanent disposal of a large portion of our mineral and arable land.

Adverting to the history of the Indians in California, as mentioned in the introduction of this subject, it is known that peace, and a comparative prosperity prevailed among them, under the benevolent system of the missions. The few difficulties which then occasionally occurred, would probably have been prevented if the existing government had possessed as much power as we now have. The two principles necessary in the management of Indians would have been combined—that of kindness and power. The one always to be kept in advance in the inviolable spirit of truth; the other held in reserve to act whenever necessary; but always to act promptly when that necessity occurs.

One of the chief causes which has probably stimulated the depredations of the Indians has been their total destitution, at particular seasons, of the humblest means of subsistence. It is, at least, charitable to believe this. Of one thing we are certain:—if they are treated kindly and furnished reasonable supplies of food, and we teach them, by example, that we can and will punish them when they do wrong, they will be easily governed, and will remain harmless.

Your memorialists believe, what others have done, the American can do equally as well. Our government has already promoted the operations of missions among the Atlantic Indians. Our predecessors in the possession of California have succeeded in guiding and civilizing, to some extent, the Indian, without making a permanent disposal of any large and valuable share of the public domain into his hands. We think such disposition unnecessary now, and contrary to the rights and highest interests of the State.

We respectfully submit our views, in the hope they will have a different direction to your judgment, from that which is sought to be obtained by the late treaties, and which we believe do not present the slightest security that they will eventuate in lasting peace to the country, or happiness to the Indian.

In concluding our review, we have to say, that the encouragement of the prosperity of California, is certainly the promotion of the largest interests of the whole nation.

Within the last year, we have exported not less than fifty-six millions of dollars of gold to the Atlantic States, which appear by the manifests of lading, and other acknowledged evidences. To this should be added, at least twelve millions taken by private individuals, and of which we have no account.

The receipt at the Custom House for duties on foreign importations have been, probably, three millions. Of this sum, a very small portion has been expended in California; and *that larger sum* of fifty-six millions has entered into our home transactions, and formed a part of the commercial and manufacturing resources of the Union.



The salutary influence of this trade is not a matter of speculation, but is attested by facts.

There has been no monetary panic or convulsion in the United States since the accession of the redundant mineral treasures of California. In the last year, the exportation from the Atlantic States to foreign ports of the precious metals, we understand to have been forty-six millions: leaving a margin of ten millions in favor of the supply, alone, which we have furnished. The activity and extension of the commerce of the nation has been greatly increased. The receipts into the Treasury of the United States, during the fiscal year ending the 30th June, 1850, was upwards of fifty millions. Of this sum, not quite two millions was for the sale of lands in the valley of the Mississippi: leaving the sum of more than forty-eight millions to be set down to the account of commerce. The receipts of the next fiscal year, we find, are estimated at upwards of fifty-one millions. From this, if we take the assumed sum of two millions for lands, (in the valley of the Mississippi,) we find the remainder of more than forty-nine millions to the credit of commerce. We have borne our full share in this. Our home trade has placed us, as consumers, ranking with the largest States in the Union. The range of prices, also, paid to the farmer in the Atlantic States, within the last three years, has exceeded that of former periods. Every pursuit and department of industry disclose a corresponding action to the wealth derived from us. The predictions that our gold would make us excessive in luxury, and effeminate in our habits, have failed. The converse of this has proved true. The more gold we get, the more energetic we become. Nor do we perceive any evil changes upon the habits and pursuits of our brethren of the Union. On the contrary, we are inclined to think the agricultural pursuits of the Republic are so predominant, and the possession of land so universal, that even sudden and large accessions of the precious metals, equalized, as they are, very materially in the hands of the community, by the force of trade, do not act as a corrupting, but a stimulating power.

If the policy we propose, be extended to us, we believe that in a few years we shall present to you a settled people, whose numbers will be equal to any emergency, and any conflict. Of their patriotism we need not speak—they will be American citizens.

In all that time, too, the enterprize of our miners will be extending the area of their operations, and bringing into requisition remote and unknown placers: discovering new ones in the older grounds, and multiplying their mills to crush the hard rocks that embrace, doubtless, the largest share of our hidden treasures. With all this, the aggregate of the exportation of gold will increase, progressively, for a long series of years.

We have now finished the review of the subjects we proposed for your consideration.

We think we have made out a case for your favor and interposition.

We have addressed you with freedom, but with sincere respect and candor.

To your honor, patriotism, and justice we submit our propositions, with perfect confidence.

## REPORT OF THE SUPERINTENDENT PUBLIC BUILDINGS.

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*To the Senate of the State of California :*

In pursuance of a Concurrent Resolution, adopted 24th January, 1852, I have the honor to report, that the Governor, Superintendent of Public Instruction, Surveyor General, and Quarter Master General, are unprovided with offices, nor is the Secretary of State yet permanently and suitably located. The Attorney General has taken a room on his own responsibility. I have applied to the Mayor of the City of Sacramento, who replies that he is unable to give a positive answer as to whether the city will furnish these gratis, until he consults the town council, which he promises to do at their next meeting and transmit immediately their determination.

JAMES S. GRAHAM,  
Superintendent Public Buildings.

## REPORT OF SUPERINTENDENT OF PUBLIC BUILDINGS.

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**MR. PRESIDENT:**

Pursuant to a resolution of the Senate of the 12th of the current month, I have the honor of submitting the following Report:

In accordance with the duties of my office as prescribed by law, I went into the market of San Francisco, for the purpose of purchasing those articles necessary for the meeting of the Legislature, and for furnishing the Public Offices and Committee Rooms.

I found the market almost entirely bare of Furniture, and of course, comparatively high. State Scrip was selling for fifty cents on the dollar, and a still greater reduction was expected. Without money in my pocket, I had to buy upon the faith and credit of the State, which, I am sorry to say, stood rather low in the estimation of the good people in San Francisco; and even those who had a little faith, anticipated the trouble, delay, and expense, besides the neglect of business and loss of time of lobbying their bills through the Legislature, and with a significant shake of the head would decline selling at any price. In the midst of these difficulties I met the Secretary of State, Mr. Van Voorhies, authorised by law to advertise for bids to furnish the State with Stationery, who informed me he had so advertised, and that he had failed to get a single bid, and that inasmuch as the law required me to have everything ready for the meeting of the Legislature, and that it was therefore my duty, and that, at any rate, his authority had ceased. It being necessary for Legislation to have Stationery, another considerable item was added to my list. If any of your honorable body have ever been so unfortunate in the course of his travels, as to find it necessary to persuade a young, timid, moon-eyed horse, over an old, crazy and neglected bridge, he can form some faint conception of the difficulty of dragging the San Francisco shop keepers, over the objections raised to selling any of their goods upon the faith and credit of the State. Some of them had crossed the bridge before, and I beg leave to assure you, that it required all the energy, eloquence, and credit of my friend, Gen. Green, all of the money of my friend, Maj. Snyder, and all the credit of my friend, Mr. Tallant, of the firm of Tallant and Wilde, to effect it. Mr. Whitney, being largely engaged in busi-

ness in the city, I found it very convenient to use his credit, money and knowledge of the market, in procuring articles not in his line, and hence their appearance in the bill.

Your honorable body will at once see the difficulty that would otherwise have ensued, in procuring a variety of articles so different in their character, and necessarily purchased of different dealers, in a market without money and upon the bad credit of the State. Imagine, if you please, the Superintendent, accompanied by his friend, Gen. Green, whose invaluable services on an occasion of this kind were too highly appreciated even to be dispensed with, starting down Montgomery street, (the Superintendent with the law under his arm, and the General ready to expound it to the merchant, and prove indisputably that I was the Superintendent, and authorized to make purchases, and that the money would be paid immediately upon the assembling of the Legislature) to purchase for the State a wood saw, carpets, pitchers, and glasses, candle sticks and curtain cloth for the Speaker's stand, lumber and nails to build it with, and coal for fuel; what amount of time, talking and walking was necessary under the circumstances, before we could, as the General most significantly expressed it, "get a fellow by the hind fast," or in other words, to prevail upon shop-keepers to sell upon the faith and credit of the State, you may imagine.

It must be remembered, that there was no furniture or stationery belonging to the State, on hand at the close of the last Legislature, it having been disposed of by that body; that these articles were absolutely necessary, no matter what the cost, for the meeting of the Legislature, or else the Legislature could have done no business until some arrangements were made to procure them, and in the meantime incur an expense of nearly two thousand dollars per day. The articles in Mr. Whitney's bill, with the exception of the desk and tables, which were purchased at the price fixed in the bill, were to be furnished at reasonable cash prices, or its equivalent in scrip, and when money was advanced, or any article was procured outside of his business, there was to be allowed a reasonable per cent. thereon, and, inasmuch as the fixing of the prices is in the hands of your honorable body, there can be no difficulty in regard to their proper adjustment, and the arrangements thus made cannot, certainly, be detrimental to the interest of the State. I will state, that there was not in San Francisco one dozen chairs of any description that would at all answer, except a lot then on ship board belonging to Tobin and Duncan, who refused to sell them to the State, without the money or proper security. Mr. Tallant became responsible, and the chairs were purchased at seven dollars, cash, or equivalent, the whole cargo having sold at the same price, and the same article is now selling at eight dollars in this market.

The amount of the bills as presented are herewith submitted, and are as follows :

Whitney's Bill,	\$18,279 13
Holly's Bill, for hauling,	15 00
Steamer Empire's Bill,	790 00



Taaffe, McCahill & Co., in scrip,	2056 00
Cooke & LeCount,	472 00
Holly, for wharfage,	20 00
Barry's Bill,	1909 00
Hazelton's Bill,	30 00
T. J. Green's Bill,	253 80
Soule & Page, in scrip,	833 75
J. Hammond,	369 96
Lovett's Bill,	365 90
Soule & Page,	788 63

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\$26,183 17

The last four bills are in the hands of the Committee on Claims of the Senate.

The bill of Mr. Whitney is also in the hands of the Senate.

I may be permitted to say, that I will use every effort to give the Committee such information as will reduce the bills to the lowest reasonable prices. It will be remembered that the bills not only include Stationery, for the use of the two Houses, but for all the Offices and Committee Rooms.

Most Respectfully,

Your obedient Serv't,

JAMES S. GRAHAM,

Superintendent of Public Buildings.

P. S. The following bill was, by mistake, omitted by the Copying Clerk.

Tobin & Duncan, (cash or equivalent in scrip,)	\$1,232 00
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JAMES S. GRAHAM,

Superintendent of Public Buildings.

## MAJORITY AND MINORITY

## REPORTS OF THE SPECIAL COMMITTEE

TO INQUIRE INTO THE TREATIES MADE BY THE UNITED STATES INDIAN  
COMMISSIONERS WITH THE INDIANS IN CALIFORNIA.

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MAJORITY REPORT.

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The committee, to whom certain resolutions of the Senate, having reference to the Indian Treaties made by the United States' Commissioners, Messrs. Wozencraft, McKee, and Barbour, and the true policy that the interest of the State of California requires should be adopted by the Federal Government, have, according to order, had the same under consideration, and respectfully submit the subjoined report and resolutions :

Your committee in approaching the consideration of this subject, were deeply impressed with its importance. They saw a policy adopted by the Indian Commissioners, deeply affecting the present and future prosperity of the State. Regardless of the extraordinary circumstances which impelled the wave of population to this State, they have undertaken to assign to the Indian tribes, a considerable portion of the richest of our mineral lands. Regardless of the topographical character of our State, which presents an extensive surface of the most valuable grazing land of the earth, but with a comparative limited quantity of land fully adapted to agricultural purposes, those gentlemen have undertaken to assign no inconsiderable portion of the latter inexclusive property to the Indian tribes, wholly incapable, by habit or taste, of appreciating its value.

Your committee can not understand the wisdom of this policy, nor can they believe that it is one to which this State will ever quietly submit. In examining this subject, they have been surprised to find, that the policy of the Indian Commissioners is not sustained, either by the practice of the Mexican Republic, or that for the last forty-five years of our own.

It is well known to all those who are acquainted with the history of the Indian policy of Spain and Mexico, that the right of the Indian in the soil was never admitted nor recognized. The general policy of those

governments were to christianize the Indians, and teach them agriculture by bringing them into the missions, which were from time to time subject to their authority. The Indians thus brought together were subject to the authority of the priests, even to the extent of inflicting corporeal punishment for disobedience of orders, &c., &c.

This policy has produced a marked effect upon many of the tribes in California. Many of them had lost their wandering character, abandoned their hunter state, and had become valuable, and indeed, indispensable servants to the large rancheros, upon whose estates they were content to live. The policy of the Indian Commissioners in collecting these Indians together, has been, so far, eminently injurious. They have deprived those engaged in agriculture and herding of their usual labor. They have burthened the country with the expense of supporting those who had previously supported themselves. They have taken from the labor of California some of her most important agricultural districts, and from the hardy adventurer from the distant States of this Union; large bodies of the mineral lands filled with the precious metals, and they have wrought all this mischief without one redeeming or corresponding equivalent. The Indian, though fed and clothed, is no happier; though professedly under the protection of the United States Government, he is less safe; though the land assigned him is interdicted to the white man, he swallows his little substance, and the destruction of the race we desire to save, is accelerated by the very means to which they have resorted. What then is to be done? It is a question full of interest and difficulty. Yet, your committee are firmly of opinion, that the true policy towards mission Indians, and all those who are brought within the influence of the mission policy is to let them alone. If thus treated, they will resume their former occupation, and supply, to a great extent, what is so much needed, that labor, without which, it will be long before California can feed herself. The Indians, moreover, would be happier, safer, and longer preserved from that destruction which seems to be inevitable.

As to the wild Indians now located within this State, your committee must protest against locating them within our limits. Occupying an important frontier position on the great Pacific—a position of the greatest importance to the whole Republic—it is indispensable that this State should be wholly occupied by a homogeneous population, all contributing, by their character and occupation, to its strength and independence.

To take any portion of the country west of the Sierra Nevada, for the home of the wild, and generally hostile Indians, would be so manifestly unwise and inpolitic, that your committee cannot think that anything more is necessary, than thus to present it to public consideration. But the policy which suits California, has been one long established, and to which we claim an undoubted right. That policy is to remove all Indian tribes beyond the limits of the State in which they are found with all practicable dispatch.

By the Act of the 26th of March, 1804, fifteenth section, an Act erecting Louisiana into two Territories, this policy is first proclaimed. Va-

rious Acts were subsequently passed for emigrating all Indians *within a State* to the territory of the United States west of the Mississippi, and not included in any State or Territory. By the Act of June, 1834, a large body of country was laid off as Indian territory, into which the Indians east of the Mississippi were from time to time removed. In this way the Creeks, the Cherokees, the Chickasaws, the Seminoles, and other tribes were deported. In the execution of this policy, the country was frequently involved in hostilities, of which the Florida wars, long, expensive and bloody are pregnant illustrations.

In speaking of this policy, President Jackson, in his second annual message, says: "It gives me pleasure to announce to Congress, that the benevolent policy of the government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation." This distinguished man proceeds: "The consequence of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of lands now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen on the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth and power."

And after proceeding some time, he announces this policy to be an "object of much solicitude." He adds, "in the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century, so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. *The States, moreover, have a right to demand it.* It was, substantially, a part of the contract which made them members of the confederacy. With Georgia this is an express contract; with the new States an implied one of equal obligation. Why, in authorizing Ohio, Indiana, Illinois Missouri, Mississippi and Alabama to form a Constitution and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful tribes of Indians? Was it not understood, by both parties, that the power of the States was to be co-extensive with their limits, and that with all convenient dispatch, the general government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State Government to the soil?" And he subsequently adds, "it is, therefore, a duty which this government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits."

Your committee have made these copious extracts from President



Jackson's message, that the policy referred to may be distinctly seen, the rights of the State in the premises clearly demonstrated, and the duty of the Federal Government unequivocally proclaimed. Has this policy been subsequently pursued? In General Jackson's seventh annual message, he says: "that the plan of removing the aboriginal people who remain yet within the settled portions of the United States, to the country west of the Mississippi river approaches to its consummation. It was adopted on the most mature consideration of this race, and ought to be persisted in till the object is accomplished." Mr. Van Buren, in his second annual message, after congratulating Congress on the success of the policy in question, says: "That a mixed occupancy of the same territory by the white and the red man, is incompatible with the safety or happiness of either; is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability." These extracts might be made more satisfactory by being extended; but they will suffice, as your committee believe for the purposes of this report.

Your committee, however, will state that, in pursuance of this policy, the Government of the United States has extinguished the Indian title to near one hundred and twenty millions of acres of land, since the 4th of March, 1829, up to the date of said annual message, at a cost of seventy-two millions five hundred and sixty thousand and fifty-six dollars; and since the Spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi, as stated by Mr. Van Buren in his fourth annual message.

Your committee ask if this has been the policy of every administration since 1804; if in its prosecution, millions have been expended; if the happiest results both to the red man and to the white, have followed it; the country strengthened, and the Indians rescued from destruction; why is it, that the policy has not been pursued here, that the mischievous and antiquated system, condemned by every administration for nearly fifty years, and at war with all experience, should be attempted to be revived in this State, from which especially it should have been excluded?

Your Committee, therefore, respectfully recommend the adoption of the following resolutions, with the concurrence of the House of Assembly:

*Resolved*, As the sense of the Senate and Assembly of the State of California, that the policy pursued by the Federal Government towards the Indian tribes in this State, is wholly and radically wrong, and should be rejected.

*Resolved*, That our Senators in Congress be instructed to oppose the confirmation of any and all treaties with Indians of the State of California, granting to Indians an exclusive right to occupy any of the public lands in the State.

*Resolved*, That the policy so long and steadily pursued by the General Government, of removing the wild Indians beyond the jurisdiction of

States, is conceived in wisdom and dictated by humanity, and is productive of tranquility and happiness to the whole country, and that no other can with safety be adopted within this State.

*Resolved*, That our Senators be instructed, and our Representatives requested, to use their best endeavors to procure the adoption, by the Federal Government, of the same course, towards the Indians of this State, that has been pursued in other States for the last quarter of a century.

*Resolved*, That the Governor be requested to present to our Senators and Representatives, each, a copy of the foregoing report and resolutions.

M. M. WAMBOUGH,  
Chairman.

J. H. RALSTON,  
B. FRANK KEENE,  
JAMES MILLER.

## MINORITY REPORT.

*Mr. President :—*

The majority of your Committee, to whom was referred sundry resolutions respecting the Treaties made with the Indians in this State by the U. S. Indian Commissioners, have reported a set of resolutions condemnatory of the acts of those commissioners, and instructing our Senators in Congress to use their influence to prevent the approval of said treaties : and, however, unwillingly I may be, solely and alone in that committee to dissent from the undivided opinion of the majority, composed of men as conversant with the subject and equally well able to dictate the policy proper to be pursued by this State, under the circumstances, as well as the true policy which should be recommended to the General Government for its adoption, still when so grave and important a subject as that of the future peace and prosperity, not only in some manner of this State, but of thousands of human beings, is to be affected by that policy, I cannot remain a silent spectator, or satisfy my conscience by a silent negative vote ; but feel compelled, not only to dissent from the resolutions introduced by that majority, but to lay before you a report, differing in some respects from that of the majority, and recommending a different policy.

The policy recommended by the majority of your committee, is, that the treaties be set aside, and all the Indians, except the Neophytes of the missions, be removed out of the State. This, as I understand the report, is all that they recommend to be done. They also recommend that the General Government should not remove, or interfere with the Neophyte Indians ; and give as a reason for this negative action, that those Indians are needed for the labor of the country.

To remove the Indians from this State, I consider as impracticable : there is no place within the territory of the United States in which to locate them. We cannot suppose that the General Government will remove them to Oregon, to Utah, New Mexico, or to the Indian territory east of the Rocky Mountains. And where else will you locate them ? On the desert and sterile regions east of the Sierra Nevada, that they may die of starvation ? or if, perchance, a few survive, that they may become the Arabs of America ? Better, far better, drive them at once into the ocean, or bury them in the land of their birth.

If, then, it is not practicable to remove the Indians from this State, is it not our duty to devise some measure, dictated by a policy, which, while it may not be onerous on our citizens, may lean to the side of justice in favor of the Indian ? I am sensible that a system in direct opposition to one so

long followed by our government, and which, from our geographical position, cannot be pursued, must meet with strong opposition, however wise or just that system may be ; and when that change is proposed by one no more able to dictate a wise policy, or so little able to defend it when proposed, as myself, I feel almost dissuaded from the attempt.

The habits of the Indian having been the same for hundreds of generations, they have become constitutional, and it requires generations to eradicate or change them ; and although he may be instructed in some new arts, he still looks back and yearns for the occupation and life of his remote ancestors. We have abundant proof of this within our own State. The great majority, nay, nearly all of the mission Indians, almost as quickly as the absolute control of the priests was removed from over them, returned to the places where they or their ancestors were born, and rebuilt their villages, and resumed, in a great measure, their ancient habits of life ; and this, while the missions had abundance wherewith to feed and clothe them ; and at this time there are but few Indians who live permanently in the localities of the missions, or upon the ranchos, except those whose ancestors, more or less remote, occupied the same localities ; while we have in the mountains, bordering the older inhabited part of the State, almost innumerable little villages of Indians, composed in a greater or less degree of Indians who had formerly been brought in and controlled by the missions ; but they have returned to eat their favorite food, the acorn, the pine nut, the manzornita, the mesquite bean, and the various grass seeds and roots of their native lands, and the fish and fowl of the lakes and rivers. And from these villages, the farmer, grazier, and owners of vineyards, draw their laborers during the summer months, who, on the approach of winter, return to their villages, where during the summer, the aged, the women, and the young, have cultivated some little corn, beans, and other vegetables, which, added to the spontaneous productions of forest and field that they have collected, enables them to finish the old and commence the new year.

We might stop here, and recommend our government to permit the Indians to remain in their present habits and locations, were it not for that spirit of occupation and appropriation so irresistible in our race. But the public land must be surveyed, must be cut into sections and quarter sections, and if not donated to the State, or settlers, they must be left free for occupancy, by pre-emption right, or sale ; and, if not sooner then comes the difficulty. The settler selects the site of an Indian village—he soon wants the land which they occupy—he cuts down the oak, which for years has produced in part his daily bread, or the pine from which he gathers the nut—he dams the streams and cuts off his periodical supply of fish. The Indian looks on the white man as the aggressor, and stimulated by passion ; goaded on by suffering and hunger ; he retaliates. War with all its horrors succeeds, and the few who escape death, are removed a few miles into the interior, there to reproduce themselves to suffer in succeeding years a repetition of the same wrongs.

The policy to which, to me, appears more worthy of a nation whose



empire extends from sea to sea, and whose area has, within three-fourths of a century, expanded from 521,660 to 3,221,595 square miles, if not one that should seek to raise the character of the Indian, to civilize, refine and enlighten, should at least be one that could tolerate their existence, and even allow them a resting and abiding place, on the clay from which they were formed. That sufficient portions of land, in different parts of the State, should be appropriated for the cultivation and residence of all such Indians as might need a home; here they would be ennobled, and escape that certain destruction which awaits them on every other side. Here philanthropy and charity, hand in hand, might find a field in which to labor. From them, the farmer, grazier and owner of vineyards, might derive their accustomed and needed laborers. Will it be said that the land is not broad enough for them and us? or that while our doors are open to the stranger from the uttermost parts of the earth, we have not spare room for the residence of the once sole inhabitants of our magnificent empire? Shall future generations seek in vain for one remaining descendant of the sons of the forest? Has the love of gold blotted from our minds all feelings of compassion or justice?

As I do not coincide with the majority of your Committee in the policy to be pursued by the General Government, I must depart from the opinion expressed by them for the proper action of this body. They recommend that our Senators be instructed to oppose the approval of all the Treaties made with the Indians in this State, by the U. S. Indian Commissioners. Now, so far as those Treaties can have any effect on the Indians with whom they have been made as *Treaties*, the effect has taken place, and the effect will be the same on the Indians to disapprove of those treaties by our Congressional Senate at this time, as to annul and set them aside after they shall have been approved. The Indians will consider it as much a breach of faith in one case as in the other; and if the Indians are to be told that those Commissioners had no power to make Treaties, or that the President or Government can falsify itself, will you expect them hereafter to enter into any treaty, or keep inviolate, one, after having entered into it? Can it be expected that they will place any reliance on any Government Agent who may be sent to negotiate for their removal?

These considerations compel me, most respectfully, to recommend for the consideration of the Senate, the propriety of instructing our Senators to examine fully into the treaties made by the U. S. Indian Commissioners with the Indian tribes of this State; and if, in their judgment, such treaties shall be found to be impolitic, onerous or burdensome to the people of this State, that they use the influence of their position to have such treaties altered or amended, to conform to the interest of the State and the will of its people.

J. J. WARNER.

## CONTESTED SEAT

FROM

## TWENTY-SECOND SENATORIAL DISTRICT.

REPORT OF MR. TINGLEY AS ONE OF THE COMMITTEE  
ON ELECTIONS.

In the matter of the contested seat for the office of Senator from the Twenty-Second District.

*Contestants*—J. W. Denver, J. H. Harper, J. A. Lyle.

1. Mr. Denver insists that Scott's Bar is in Klamath County ; that the vote there given was legally counted for him ; that the alleged vote at Johnson's Bar is a fraud ; that he is a resident of California, and eligible to the office of Senator ; that, deducting the vote of Johnson's Bar, given to Harper,—and counting the residue of votes in the district, including Scott's Bar,—gives him a majority of votes over Harper and Lyle, and entitles him to the seat.

2. Harper insist that the vote at Johnson's Bar is valid, and should be counted ; that Scott's Bar is in Klamath County, and should be excluded : in which event he has a majority of votes over both Denver and Lyle, and is entitled to the seat.

3. Lyle contends that Scott's Bar is not in Klamath County ; that the vote of Johnson's Bar is a fraud ; that excluding the votes cast at Scott's and Johnson's Bars, he has a majority of all the votes over Denver and Harper, and is entitled to his seat.

A mass of testimony has been taken by the respective contestants, which is now submitted for the consideration of the Senate.

As one member of the Committee on Elections, in my judgment the testimony warrants me in coming to the following conclusions :

1. That Scott's Bar is in Shasta County, and the vote there given for Senator, in the twenty-second District, should be excluded.

2. That the alleged vote at Johnson's Bar is fictitious, and should be rejected.

3. That excluding Scott's Bar and rejecting the alleged vote at Johnson's Bar, Lyle has a majority of all the votes given, and is legally entitled to the seat as Senator.

I therefore submit the following resolution, and recommend its adoption.

*Resolved*, That John A. Lyle is the Senator elect from the twenty-second Senatorial District, and is entitled to his seat.

Submitted,

G. B. TINGLEY.

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### MR. MILLER'S REPORT AS ONE OF THE COMMITTEE ON ELECTIONS.

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Mr. PRESIDENT:

As one of the Committee to whom was referred the matter of the contest between John H. Harper, James W. Denver, and John A. Lyle, for a seat in the Senate, for the twenty-second Senatorial District, composed of the counties of Trinity and Klamath, I beg leave respectfully to report: That a few days ago, I made a report to the Senate in this case, referring the whole matter back to the Senate, for their consideration, without expressing any opinion with regard to the merits of the case, for the reason that the other members of the Committee were absent from their seats, and the Committee disagreed as to what report to make.

Since the time of making said report, a report has been submitted by Mr. Tingley, of the Committee on Elections, expressing the opinion that John A. Lyle, Esq., was entitled to the contested seat. Entertaining a different opinion from that expressed in said report, I thought it my duty to make a report, giving briefly the conclusion I have arrived at, after a careful examination of the subject.

Upon examination of the official returns of the Election, held on the 3d

of September last, in the counties of Trinity and Klamath, for a Senator, it will be seen that

John H. Harper received	-	-	-	539 votes.
James W. Denver	"	-	-	505 "
John A. Lyle	"	-	-	479 "

Being a majority of thirty-four votes for John H. Harper ; and that the said John H. Harper received from the Clerk of Klamath County, a regular and complete Certificate of Election, by virtue of which he was sworn in as the Senator from the 22d Senatorial District.

The principal ground of contest against Mr. Harper is, that the returns purporting to be the Returns of an Election held at Johnson's Bar, Klamath County, were fraudulent.

The evidence offered to sustain this charge, is vague, and consists wholly of hearsay evidence, which is fully rebutted by the clear and positive testimony of Messrs. Ellsworth, Tompkins, Loshe, and others ; and a certified copy of the records of Klamath County, when Johnson's Bar was appointed a Precinct, by order of the Court, proves conclusively that Johnson's Bar was created a Precinct according to law, and that there were good reasons for ordering an election at that place.

Very little of the testimony produced to your Committee was direct or clear. It consisted mostly of hearsay evidence of the most unsatisfactory description.

It is unnecessary for me to comment further upon the evidence, as it will be read to you, thereby giving you an opportunity of judging for yourselves. From all the evidence that has come before me during the progress of this investigation, I have come to the conclusion that there is no substantial reason to doubt that John H. Harper is the legally elected Senator from the 22d Senatorial District ; and therefore recommend the adoption of the following Resolution :

*Resolved*, That John H. Harper is the legal Senator from the 22d Senatorial District, composed of the counties of Trinity and Klamath.

JAMES MILLER,  
One of Committee on Elections.



MR. COOKE'S REPORT AS ONE OF THE COMMITTEE  
ON ELECTIONS.

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*Mr. President:*

The Committee on Elections, to whom was referred the case of James W. Denver, John H. Harper, and John A. Lyle, contesting for the right to a seat in the Senate from the twenty-second Senatorial District in this State, have had the same under consideration, and have heard the proofs and allegations of the respective parties, and have been unable to agree upon a report to submit to the Senate on the subject. The undersigned, one of the number of said committee, submit for the consideration of the Senate the following report :

The twenty-second Senatorial District is composed of the Counties of Klamath and Trinity,—which said counties are bounded as follows :

COUNTY OF KLAMATH :—Beginning at the point in the ocean three miles due west of the mouth of Mad River, and running thence due east along the north line of Trinity County to the summit of the Coast Range ; thence in a northerly direction along the summit of said Coast Range to the parallel of the forty-third degree of north latitude ; thence due west to the ocean and three miles therein ; thence in a southeasterly direction parallel with the Coast to the place of beginning.

COUNTY OF TRINITY :—Beginning at a point in the ocean three miles due west of the mouth of Mad River, and running thence due east to the summit of the Coast Range ; thence in a southerly direction along the summit of said Coast Range to the parallel of forty degrees north latitude ; thence due west to the ocean and three miles therein ; thence in a north-westerly direction parallel with the Coast to the place of beginning. (See Act dividing the State into Counties and establishing the Seats of Justice therein.)

At the last general election held in the State, Mr. Denver received in the County of Trinity three hundred and ninety-three votes for Senator, Mr. Harper two hundred and four, and Mr. Lyle four hundred and sixty-three. In Klamath Mr. Harper received three hundred and thirty-five, Mr. Denver one hundred and twelve, and Mr. Lyle sixteen.

It is in evidence that one hundred and thirty-nine votes, alleged to have been polled at a place called "Johnson's Bar," in Klamath County, were counted for Mr. Harper. From the evidence submitted, I am of the opinion that the votes so counted were false and fraudulent, and that no such poll was held and no such votes were cast. The returns (so called) from that Bar are not made in the manner required by law; and the very manner in which it appears, from the evidence, that the returns from that place (so called) were made, raises in itself a strong presumption of fraud. If a poll was opened at that place, it would have been as easy to prove the fact as it has been to prove the opening of the polls at the other precincts in the district. But no such evidence has been offered; but, on the contrary, to my mind, it is conclusively proven, that if there is such a place as "Johnson's Bar," in Klamath County, that there was not a poll opened there at the last election; and that if there had been one opened, there was not, in the month of September last, more than four or five men at the place.

Notice of contest had been duly given by the claimants of this seat (Messrs. Denver and Lyle,) and Mr. Harper should have shown that polls were opened and that the said number of votes might have been given at Johnson's Bar, when in fact that is made one of the principal grounds of contest against him; and when, also, the said returns were made in the illegal and informal manner shown by the evidence.

At Scott's Bar, Denver received one hundred and nine votes, Harper three, and Lyle none.

There is some contradictory evidence as to whether Scott's Bar is in Shasta County or Klamath County. The weight of evidence I think is clearly in favor of the proposition that said Bar is in the County of Klamath. This Bar is situated on Scott's River, which empties into the Klamath, and that river runs in a westerly direction and empties directly into the Pacific Ocean.

This question turns almost entirely on the question as to what really is the Coast Range of Mountains: or, in other words, what did the Legislature consider the Coast Range of Mountains, in defining County boundaries.

I am unhesitatingly of the opinion that the Coast Range of Mountains is that range which divides the waters of the Sacramento river from those which run in a westerly direction and flow directly into the Pacific ocean.

This opinion is not only founded upon the evidence produced to the committee, but from my own personal knowledge of the subject.

If there is a doubt, from the phraseology of a statute, as to its real meaning, in arriving at a conclusion on the subject, we must endeavor to understand the object of the Legislature in passing such a law. If we take the eastern line of Klamath County, as contended for by Messrs. Harper and Lyle, which is near the mouth of Trinity River, (if they contend for any particular boundary,) we shall make said county not hardly large enough

for a respectable sized township, while Shasta County would make a large State. This clearly was not the intention of the Legislature. What particular mountains were designated by law as the Coast Range (see section twenty-second of the Act entitled "an Act dividing the State into Counties, &c.") in defining the boundary of Shasta County, which reads County of Shasta, beginning at a point in the middle of Sacramento River, opposite the mouth of Red Bluff Creek, below the Red Bluffs, and running thence by the middle of said creek to its source in the Coast Range; thence west in a straight line to the summit of the Coast Range; thence in a northerly direction following the summit of the Coast Range to the parallel of forty-two degrees north latitude; thence line east along the northern boundary line of the State to the northeast corner of the State; thence south following the boundary line of the State to the northeast corner of Butte County; thence along the northerly line of Butte County to a point in the middle of Sacramento River; thence up the middle of Sacramento River to the place of beginning.

Red Bluff Creek rises in the mountains which divide the waters of the Klamath from those of the Sacramento, and empties into the said last mentioned river. Thus it appears that the Legislature, and the Law itself, has fixed and determined that the range of mountains, which divides the waters of the Sacramento from those of the Klamath, to be the Coast Range, for all legal or electoral purposes.

It is alleged that Mr. Denver has not resided in this State a sufficient time to render him eligible to hold the office of Senator.

It is in evidence that Mr. Denver arrived at Sacramento on or about the 25th September, 1861.

The Constitution says (Sec. 5th. of Art. IV.) Senators shall be chosen for the term of two years, at the same time and place as members of Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State one year, and of the County or District for which he shall be chosen, six months next before his election.

This term of residence need not expire before the day on which the election is held; but it must expire before the person enters upon the discharge of the duties of his office.

In *Hammond v. Hewitt*, Clark and Hall's contested election, cases in Congress, page 267, and other cases there cited.

Mr. Denver could not, in any contingency, have been called upon to enter upon the discharge of Senatorial duties before the first Monday in January, 1862.—so he was eligible to hold the said office of Senator.

So Mr. Denver having received a majority of all the votes legally given for Senator in said District at the last general election, and being eligible to

hold the said office, I ask leave to introduce the accompanying Resolution, and move its adoption.

Respectfully submitted,

MARTIN E. COOKE.

*Resolved*, That J. W. Denver is entitled to his seat as Senator from the twenty-second Senatorial District of this State, and that he be sworn in accordingly.



REPORT  
OF THE  
COMMITTEE ON THE JUDICIARY,

AS TO THE CONSTRUCTION OF SECTION TWENTY-FIVE OF ARTICLE FOUR OF  
THE CONSTITUTION.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred, Section 25, of Article 4, of the Constitution, and who were instructed to report what, in their opinion, is the proper construction to be placed upon said Article, have had the same under consideration and have instructed me to report :

The Section referred to, reads as follows : " Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title ; and no law shall be revised, or amended by reference to its title : but in such case the Act revised or section amended, shall be re-enacted and published at length."

The construction placed upon this section by a few, is, that it becomes necessary, in the amendment of a section or revision of an Act, to repeal and re-publish the section to be amended or Act to be revised, as well as the section as amended and the Act as revised.

And the action of the past Legislatures, in amending several acts in this manner, as observed in the Statutes, might seem to commend such reading, but the Journals throw a different coloring upon the matter. It will be seen, by reference to them, that several Acts were so passed only to adapt them to the views of the Executive ; and also, that such construction, when distinctly presented to the Legislature by the vetoes of the Governor, both Houses by over a two-thirds vote, placed their condemnation upon it, and passed the bills over the vetoes of the Governor.

Judge Story, quoting in great measure from Justice Blackstone, remarks in his commentaries on the Constitution, that "the first and fundamental rule in the interpretation of all instruments, is to construe them according to the sense of the terms and the intention of the parties.

The intention of the law is to be gathered from the words, the *context*, the subject-matter, the *effects and consequence*, or the *reason* and spirit of the law. He goes on to justify the remark, by stating that words are generally to be understood in their usual and most known signification, not so much regarding the propriety of grammar, as their general and popular use; that if words happen to be dubious, their meaning may be established by the context, or by comparing them with other words and sentences in the same instrument; that illustrations may be further derived from the subject-matter with reference to which the expressions are used; *that the effect and consequence* of a particular construction is to be examined, because if a literal meaning would involve a manifest absurdity, it ought not to be adopted; and that the *reason and spirit* of the law, or the causes which led to its enactment, are often the best exponents of the words and limit their application."

Applying this rule of construction, your Committee are of the opinion that the section referred to is very plain in its provisions; that it is an exceedingly proper and correct provision of the Constitution, and its operation, when correctly understood, is extremely beneficial and necessary.

The construction placed upon the section, by your Committee, is what "the reason and spirit of the law" dictate, viz: that no law shall be revised or section amended by reference to its title, and simply enacting the revision or amendment; but that when an Act is revised, or section amended, the entire Act as revised or section as amended, shall be "*re-enacted and published at length*;" in other words, that when a section is desired to be amended, it shall not be lawful to enact, "that section —, of an act, entitled "—," is hereby amended, by adding (or striking out) the following words "—;" but that it shall be necessary to enact "that section —, of an Act entitled —, is hereby amended so as to read as follows: Section—," thus "*re-enacting and publishing at length*," the entire section as amended.

The reason and propriety of this provision, your Committee deem must be apparent. When an Act is revised or section amended, and the revision or amendment only is published, it is impossible for the reader to know what the law provides when amended; but where the entire law, as revised, or section as amended, is published, every reader perceives, at a glance, what the law is when amended; and thus is advised of its provisions.

Your Committee deem that the construction which forces the *re-enactment* and *publication* of the law or section intended to be amended, would, in the words of the commentator, "involve a manifest absurdity."

It certainly could not have been intended that the section or law which it is desired to amend, shall be re-enacted; the object is to amend it. How

then can it be re-enacted? and if re-enacted, can it be said to be amended? Such a provision would be manifestly absurd.

Again, it will be perceived, upon reference to the section, that the reading is, "shall be *re-enacted* and *published* at length." It is not re-published, but published. If the framers of the Constitution intended that the old law or section should be *re-published*, why did they not so provide? Most assuredly they intended nothing of the kind. They intended, as your Committee believe, that the entire Act, as revised, or section as amended, which becomes a different Act or a different section *in its provisions*, but remaining the same perhaps *in its title or general intent*, shall be *re-enacted* and published at length; which your Committee recommend as the only proper and reasonable construction to be placed upon the section.

THOS. B. VAN BUREN,  
From Senate Judiciary Committee.

SPECIAL REPORT  
OF THE  
SURVEYOR GENERAL.

SURVEYOR GENERAL'S OFFICE, }  
Sacramento, February 18, 1852. }

SIR :

In obedience to a Resolution passed by the Senate, the 12th inst., calling upon the Surveyor General to "report to the Senate such information relative to the Lands of this State, and other matters connected with his office as are important thereto," I have the honor to submit the following Report.

Respectfully, your ob't serv't,

WM. M. EDDY,  
Surveyor General.

Hon. SAMUEL PURDY,

Lieut. Governor and President of the Senate.

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REPORT.

In submitting a Report upon the important matters connected with this office, it may not be inappropriate to remark that the short time which has elapsed since I assumed the duties of Surveyor General, the confusion and delays occasioned by the removal of the Legislature and State officers from Vallejo to this place, and the total want of official data, (to collect which, was made the duty of the Surveyor General, under "an Act concerning the office of Surveyor General," passed April 17, 1850,) render it very difficult to set forth, in due form, such information as ought to be laid before the Legislature.



**AREA OF THE STATE.**—From information derived from the Reports of the General Land Office at Washington, the area of the State is set down at 188,981 square miles—equal to 120,947,840 acres—which may be classified as agricultural, mineral, swamp and useless lands. The quantity of acres above stated is undoubtedly too large; a calculation made from the boundaries of the State, as laid down in the Constitution, will only give 146,285 square miles—equal to 93,622,400 acres.

From the best information at hand, I estimate that the lands in this State, which may be classed as either mineral, or useless at present for agricultural purposes, will amount to about 52,000,000 acres; thus leaving some 41,622,400 acres suitable, at present, for agricultural purposes.

In this estimate of the mineral lands, all lands are included which are known or supposed to contain minerals; which estimate must, of necessity, include many millions of acres that ultimately will become valuable for agricultural purposes; but, owing to the presence of minerals, must, at this date, be classified as "mineral."

Of this 41,622,400 acres, we may estimate the swamp lands as amounting to about 2,600,000; large portions of which, it is believed, will prove as valuable as any land in the State. The following table is as near an estimate as can be made, of the classification of the lands of this State:

Mineral Lands, including that which is worthless, being mountainous or desert, also much that will eventually be classed as Agricultural,	ACRES.
Agricultural, which can be irrigated,	52,000,000
Agricultural, which cannot be irrigated,	20,000,000
Swamp Lands,	19,000,000
	2,622,400
<b>Total,</b>	<b>93,622,400</b>

**SCHOOL LANDS.**—It has been the settled policy of the General Government, for the last half century, to encourage the systems of public education which have been or may be adopted by the several States; and to aid therein it has made liberal donations from the public domain to the new States and Territories, as they have been created.

Commencing with Tennessee, in 1806, it has invariably granted to all the new States and Territories, the sixteenth section in every township; and, within the last few years, keeping pace with the spirit of the age, the United States Government has increased that donation, in the State of Iowa, and the Territories of Minnesota, Oregon, Utah and New Mexico, by adding thereto the thirty-sixth section of each and every township. Legal provision has further been made, that when these sections "are interfered with, either in whole or in part, by private land claims, donations or Indian Reserves," the quantity may be selected from other lands in the same district.

The Commissioners of the General Land Office, in their reports of 1848

and 1849, not only recommend the grant of another section in addition to the sixteenth, but, as the *intention* of the General Government is frequently frustrated by the sixteenth sections falling upon swamp lands, they recommend that provision be made to substitute other lands in lieu thereof.

By an Act of Congress, approved June 15, 1844, Florida, Iowa and Wisconsin were authorized to select other lands in lieu of the sixteenth section, as follows :

“That whenever the sixteenth sections, in said Territories, either in whole or in part, are now or may hereafter be included in private claims held by title confirmed, or legally decided to be valid and sufficient, other lands equivalent thereto, within any land district in said Territories most adjacent to said lands so taken up by private claims, “which have been offered at public sale and remain unsold,” may be selected in lieu thereof, under the direction of the Secretary of the Treasury ; and the lands so selected shall be entered in the office of the Register of the land district in which they may lie ; and be by such Register reported to the Commissioner of the General Land Office, as School Lands selected under this Act ; *Provided*, That before making any entry of such other lands, the case shall be made out to the satisfaction of the Register and Receiver of said district, agreeably to rules to be prescribed by the Commissioner of the General Land Office, for the purpose of showing that the sixteenth section, or part thereof, has been included in the manner above mentioned.”

We may reasonably expect that the same liberal policy will be pursued towards this State, by the General Government, as has been pursued towards other States and Territories. The granting of this privilege to the State of California, would secure to its School Fund many thousands of acres that otherwise would be lost, by the great extent of lands held under valid grants, from the Spanish and Mexican Governments.

I would, therefore, suggest the propriety of this Legislature instructing our Senators, and requesting our Representatives in Congress, to use their endeavors to procure such a privilege of substitution, as will cover the School Lands in this State, where interfered with, either by private claims, donations from Congress, or mineral lands. Such an Act would secure to this State a School Fund, of which its citizens might well be proud.

In addition to the *School Sections* thus spoken of, Congress, by an Act dated September 4, 1841, granted to each State, that might be admitted into the Union thereafter, five hundred thousand acres of land, as follows :

“§ 8. *And be it further enacted*, That there shall be granted to each State specified in the first Section of this Act, five hundred thousand acres of land, for purposes of internal improvement : *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount which said State has already received as aforesaid, make five hundred thousand acres ; the selections in all of the said States to be made

within their limits respectively, in such manner as the Legislature thereof shall direct; and located in parcels conformably to sectional divisions and sub-divisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States, in said States respectively, shall have been surveyed according to the existing laws. And there shall be, and hereby is, granted to each new State, that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission and while under a Territorial Government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid."

"§ 9. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely:—roads, railways, bridges, canals and improvement of water courses, and draining of swamps; and such roads, railways, canals, bridges and water courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever."

By a provision in Article IX, Section 2, of the Constitution of this State, the proceeds of the five hundred thousand acres so granted, are "inviolably appropriated" to the School Fund.

There being a radical change in the disposition of the net proceeds of said five hundred thousand acres, the question naturally arises,—Does the Act of Congress admitting California as a State into the Union, approving in express terms the Constitution of this State, ratify such a change?

As the United States Surveys are progressing, I would recommend the passage of a law, by this Legislature, directing the selection and location of the said five hundred thousand acres, at the earliest practicable moment, and the immediate sale thereof, to actual settlers, at the minimum price fixed by the General Government.

The following letters, to and from the United States Surveyor General, will show the present condition of the United States Surveys in this State.

STATE SURVEYOR GENERAL'S OFFICE, }  
 Sacramento, Feb. 11, 1852. }

S. D. KING, Esq.

*U. S. Surveyor General for California.*

SIR:—Being engaged in preparing an official report from the office to the Legislature, I beg leave to solicit from you, information as to the progress of the U. S. Surveys under your directinn :

1st. To what extent have the U. S. Surveys already been made ?

2nd. What extent and portion of the State will probably be sub-divided into townships during the present year ?

3rd. Is it proposed to sectionize the townships ? and if so, to what extent during the present year ?

Will you be pleased to furnish me an answer to the above, at once ; also, that paper I left with you, giving the length of the Mexican Vara ?

Please inform me what decision you have come to, in relation to the length of the Vara, to be used in this State, in making surveys ordered by your office.

Very respectfully, yours,

WILLIAM M. EDDY,  
*State Surveyor General.*

### MR. KING'S ANSWER.

OFFICE OF SURVEYOR, GENERAL, U. STATES, }  
 San Francisco, Cal., 12th, Feb. 1852. }

SIR:—In reply to your letter of the 11th inst., I have to state that :

To enable us to establish the commencement point, on the summit of Mount Diablo, and the positions at the base thereof, from which to start our Base and Meridian Lines, there was surveyed about - - - - - 70 miles.

The Meridian Line has been run, from Mount Diablo, to the 120th mile post, and, (including offsets,) to Monterey Bay, 111 miles, - - - - - 231 miles.

The Base Line has been run from the Pacific to the West foot of the Nevada, say, - - - - - 112 miles.



The first Correction Line has been run from the 30th mile post, north of the Base Line, to the Pacific, 89 miles, and the second Correction Line, intersecting the 60th mile post, north on the Meridian, from the west foot of the Sierra to the east foot of the Coast Range, 67 miles, - - - - - 156 miles.

A Surveyor is now out, running a Correction Line from the west slope of the Coast Range to the Pacific, crossing the Meridian Line at the 24th mile south of the Base Line; and another is engaged in dividing into townships. the tract north of the Base Line, west of the Meridian, and south and east of Suisun, San Pablo, and San Francisco Bays.

I cannot now answer either your second or third questions, as it will be impossible to determine the nature and extent of the work to be done in the following season, until the amount which may be appropriated by Congress for that purpose is ascertained. I have asked for very heavy appropriations for that service, up to the 30th of June, 1853, (upwards of \$300,000,) and that sum has been estimated for by the Department.

Of this amount about \$75,000 has been desired to be made applicable to the operations of the next six months.

It is my determination to press the Surveys as fast as possible, consistent with accuracy, and the means placed at my disposal. I have not yet determined what shall be considered the exact length of the "Vara," in making our surveys; not having received any communication from the Department in answer to my letter of November last, upon the subject. Herewith return the paper you left with me upon the subject.

Very respectfully, your obd't serv't,

SAM'L D. KING, *Surveyor General.*

WM. M. EDDY, Esq., *State Surveyor Gen.,*  
Sacramento, Cal.

By an Act of the Legislature, entitled "an Act concerning Common Schools and Public Instruction," passed May 1, 1851, privilege was granted to all persons settling on School Lands prior to the 1st of January, 1852, to hold the same, on payment of three dollars per acre, into the Treasury; though there are, doubtless, many sections of the School Lands, worth double that price, yet, as applicable to the whole of the School Lands, the price seems too high; and the lands certainly would not be taken, while any Government lands of value are left for sale. Believing that the interests of the State require an early disposition of these lands, by settlement, I would recommend the reduction of the price per acre, to the United States minimum, viz: one dollar and twenty-five cents per acre.

By pursuing such a course, together with a judicious selection of the

lands, though our School Fund may not be as large, yet the advantages of a permanent agricultural population and the increased revenue to the State through the tax list, will more than counterbalance any objections that may be raised.

Every reason of public and political economy suggest, that the State should dispose of all her lands, at as early a period as practicable.

There can be no doubt of the fact, that thousands of practical farmers from the older States, will hasten to populate our valleys, so soon as they can be assured of obtaining lands at a fair price, and with a clear title.

UNIVERSITY LANDS.—Congress has of late years uniformly granted to the new States and Territories, two entire townships, equal to 46,080 acres, for the endowment and establishment of a State University. The interests of Education require that attention should be given to this matter, so as to secure a similar donation to this State at as early a date as possible.

SWAMP LANDS.—By an Act of Congress, approved September 28, 1850, all the Swamp or Overflowed Lands in this State were donated to the State, with this *proviso*: “That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, *as far as necessary*, to the purpose of reclaiming said lands, by means of the levees and drains aforesaid.”

The same Act also provides, “That in making out a list and plats of the land aforesaid, all legal sub-divisions, the greater part of which is “wet and unfit for cultivation,” shall be included in said lists and plats; but when the greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom.”

From a careful examination of such data as can be obtained at this early period, it is estimated that the lands which will accrue to the State under this Act, will amount to at least two millions, six hundred thousand acres; the greater portion of which, it is believed, can be so far reclaimed as to place them amongst the most valuable lands of the State.

Large portions of these Swamp Lands being overflowed by fresh water, it is asserted by competent judges, will, by drainage, prove as valuable for sugar-cane and rice lands, as any portion of South Carolina, Georgia, Florida, or Louisiana; while those lands which are overflowed by salt water, it is believed, can be made available for the production of Sea Island cotton, or by laying them down as salt marsh meadows.

The Act donating these lands, provides that the Secretary of the Interior shall issue to the State a patent for the lands, as soon as an accurate list and plats of the same may be made.

Several of the States, being impatient at the delays usually attending the United States Surveys of the public lands, have applied for and obtained

from the Department of the Interior, authority to have the necessary plats and lists made by the State Surveyor General.

The late Executive, Gov. McDougal, says, in his Message to the Legislature, that "For the purpose of enabling the State to avail herself of the benefits of this grant, at the earliest moment, I communicated with the Secretary of the Interior at Washington, early last spring; after waiting a sufficient length of time for a reply, without receiving any, I forwarded a second application, asking that the Surveyor General of our State might be authorized to select the lands under that grant; but as yet I have received no reply. I presume, however, that no objection will be made to this course, as similar privileges have been granted to other States. Should my application be successful, I urgently suggest the passage of a law enabling the Surveyor General to prosecute the duty of selecting the lands, at the earliest practicable day."

I am informed, at the office of the Secretary of State, that to the last communication spoken of by Governor McDougal, an answer has lately been received, stating that the matter had been referred to the Commissioner of the General Land Office.

These lands being as fully the property of the State, at this present time, as if the patent had issued, the State has an undoubted right to dispose of them in a similar manner, without waiting for the patent, by giving a Warrant, containing an agreement, on the part of the State, to give the purchaser a good and sufficient Deed, whenever the patent is obtained. These Warrants being made evidence of title, there would remain no cause for delay in disposing of the lands at an early date.

**MISSION LANDS.**—After a careful examination of the important questions arising as to *where the title to the Mission Lands is vested*, and all the data connected therewith within my reach, I have concluded to append to this document, an extract from that able and valuable report, made to the General Government, in 1850, by Wm. Carey Jones, Esq. In 1849, Mr. Jones visited nearly or quite every Mission within the State, and likewise the city of Mexico. He was sent by Government for the express purpose of making these examinations, and displayed great energy and ability in so doing. He has condensed the information which he so obtained, in a clear and intelligible form. (See Appendix.)

**MINERAL LANDS.**—An estimate of the mineral lands, prepared with all the care that the data at hand will admit of, gives, for the area of such lands as must be classified as mineral, (including the mountains and desert lands, the quantity of which can not at present be separately estimated,) 81,667 square miles—equal to 52,000,000 acres. A table, giving an estimate of the different lands in each county separately, is in preparation.

The people of the State are nearly unanimous in the expression of their opinion, that these lands should remain *free forever*—particularly the *placers*; while an equally strong opinion prevails, that rights to quartz veins,



quicksilver mines, or other mineral deposits, requiring a large and permanent outlay of capital, shall become vested in individuals; thus securing to the capitalist who develops the mineral resources of the State, *other than placer diggings*, the same protection that is granted to the agriculturist.

The General Government are beginning to understand this matter in its proper light; and the Secretary of the Interior, in his annual report for 1851, suggests to Congress the necessity of leaving the mineral lands free; and there is little doubt but that Congress will, at its present session, so declare them.

In the mineral districts are extensive ranges of lands, which will prove very valuable for agricultural purposes. There are millions of acres which, from the proximity of minerals, must be included in the estimate of the quantity of mineral lands, that are very valuable for grazing; and tens of thousands of acres, known to contain gold to a greater or less amount, which might otherwise be classed with the most valuable of our agricultural lands. Care should be taken to secure the privilege that, when these lands are abandoned as "placers," they may be classified and disposed of as agricultural.

STATE MAP AND COUNTY BOUNDARIES.—In several portions of the State, difficulty has arisen from the want of a proper delineation of the dividing lines of various counties. Some of the counties have ordered, at their own expense, the running of the boundary lines; this is proper, and the way in which it ought to be done, so as to save expense to the State.

By an Act of the Legislature, passed April 17, 1850, it is made the duty of the Surveyor General "to make an accurate map of the State." In order to carry out this requisition, an appropriation is necessary; and I would recommend that the Surveyor General have power to determine the various points of intersection of the county boundaries, thus enabling him to make "an accurate map of the State;" and in cases of dispute as to a boundary line, the County Surveyors would have their points determined for them, without a possibility of dispute. All existing maps of the State are incorrect in many particulars; and the necessity of a correct one is daily felt.

By an Act of the Legislature, passed April 9, 1850, County Surveyors are required to furnish this office with a copy of the field-notes and plat of surveys, excepting city or town lots; indicating upon such plats, any river, stream, or county lines, that may be touched or crossed.

By carrying out this provision, together with such data as may be obtained from the coast surveys and the United States land surveys, a correct map may be made at an expense trifling in amount, when compared with the importance of the work.

The Legislature, at its first session, provided that County Assessors and County Surveyors, should assist in the collecting of certain statistics, and



report the same to the Surveyor General. In compliance with this law, a circular letter is in preparation to be addressed to the County Surveyors and Assessors: and it is believed that, at the next session of the Legislature, a mass of valuable information and data will be collected in this office. The Surveyor General being by law made the "Chief Engineer and Commissioner of Internal Improvements," he is required to make "plans and suggestions for the improvement of the internal navigation of the State, and for the construction and improvement of roads, turnpikes, railroads, canals, &c."

In this report I have only time to make a few suggestions upon the matter of "plank roads."

Application has already been made to the Legislature for aid in the construction of such roads; and the granting of one petition would be followed by many similar applications. And, as the condition of the finances of the State forbid its doing anything of the kind at present, I would recommend the passage of a general law, whereby any persons desirous of constructing such roads, in any portion of the State, can have the privilege of doing so at their own expense, and be allowed to charge such tolls thereon as may be fixed by the Legislature.

By the 12th section of "an Act concerning the office of Surveyor General," passed April 17, 1850 it is made the duty of the Surveyor General "annually, on or before the 1st day of December, to deliver to the Comptroller an estimate, with specifications, of the necessary expenditures of his office during the ensuing year."

Being informed that no such estimate was made by my predecessor, I submit herewith an estimate for the year 1852.

For expenses in taking observations, to determine, astronomically, the points of intersection of county boundaries, - -	\$10,000
For Draftsman, to project and make the Map of the State, -	1,000
For salary of a Clerk, whose services will be needed in the event of the Legislature's ordering the selection of the State Lands during the present year, eight months, at \$150 per month, -	1,200
Stationery, including drawing and tracing paper, books of record, printing circulars and blank forms, postage and express matter, candles and fuel, and necessary furniture for office, - -	650
Total, - - - - -	<u>\$12,850</u>

No estimate is included for office rent, that item being left for the Superintendent of Public Buildings to provide for, with the other State offices.

Respectfully submitted,

Your obedient servant,

WM. M. EDDY,  
Surveyor General.

## APPENDIX.

“II. CHIEFLY THE LARGE GRANTS, AS THE MISSIONS; AND WHETHER  
“THE TITLE TO THEM BE IN ASSIGNEES, OR WHETHER THEY HAVE  
“REVERTED, AND VESTED IN THE SOVEREIGN?”

I took much pains, both in California and Mexico, to assure myself of the situation, in a legal and proprietary point of view, of the former great establishments known as the Missions of California. It had been supposed that the lands they occupied were grants, held as the property of the church, or of the mission establishments as corporations. Such, however, was not the case. All the missions in Upper California were established under the direction, and mainly at the expense, of the Government, and the missionaries there had never any other rights than to the occupation and use of the lands for the purpose of the missions and at the pleasure of the Government. This is shown by the history and principles of their foundation, by the laws in relation to them, by the constant practice of the Government towards them, and, in fact, by the rules of the Franciscan order, which forbids its members to possess property.

The establishment of missions in remote provinces was a part of the colonial system of Spain. The Jesuits, by a license from the Viceroy of New Spain, commenced in this manner the reduction of Lower California in the year 1697. They continued in the spiritual charge, and in a considerable degree in the temporal government of that province until 1767, when the royal decree abolishing the Jesuit order throughout New Spain was then enforced, and the missions taken out of their hands. They had then founded fifteen missions, extending from Cape St. Lucas, nearly to the head of the sea of Cortez, or Californian Gulf. Three of the establishments had been suppressed by order of the Viceroy; the remainder were now put in charge of the Franciscan monks of the college of San Fernando, in Mexico, hence sometimes called “Fernandinos.” The prefect of that college, the Rev. Father Junipero Serra, proceeded in person to his new charge, and arrived, with a number of monks, at Loreto, the capital of the peninsula, the following year, (1768.) He was there, soon after, joined by Don Jose Galvez, Inspector General (*visitador*) of New Spain, who brought an order from the King, directing the founding of one or more settlements in Upper California. It was therefore agreed that Father Junipero should extend the mission establishments into Upper California, under the protection of *presidios* (armed posts) which the government would establish at San Diego and Monterey. Two expeditions, both accompanied by missionaries, were consequently fitted out, one to proceed by sea, the other by land, to the new

territory. In June, 1769, they had arrived, and in that month founded the first mission, about two leagues from the port of San Diego. A *presidio* was established, at the same time, near the port. The same year, a *presidio* was established at Monterey, and a mission establishment begun. Subsequently, the Dominican friars obtained leave from the King to take charge of a part of the missions of California, which led to an arrangement between the two societies, whereby the missions of Lower California were committed to the Dominicans, and the entire field of the Upper Province remained to the Franciscans. This arrangement was sanctioned by the political authority, and continues to the present time. The new establishments flourished, and rapidly augmented their numbers, occupying first the space between San Diego and Monterey, and subsequently extending to the northward. A report from the Viceroy to the King, dated at Mexico, 27th December, 1793, gives the following account of the number, time of establishment, and locality of the Missions existing in New California at that time :

MISSIONS.	SITUATION.	WHEN FOUNDED.
1. San Diego de Alcala,	lat. 32° 42'	July 16, 1769.
2. San Carlos de Monterey,	36° 33'	June 8, 1770.
3. San Antonio de Padua,	36° 34'	July 14, 1771.
4. San Gabriel de los Temblores,	34° 10'	Sept. 8, 1771.
5. San Luis Obispo,	31° 33'	Sept. 1, 1772.
6. San Francisco, (Dolores,)	37° 56'	Oct. 9, 1776.
7. San Juan Capistrano,	33° 30'	Nov. 1, 1776.
8. Santa Clara,	37° 00'	Jan. 18, 1777.
9. San Buenaventura,	34° 36'	Mar. 31, 1782.
10. Santa Barbara,	34° 28'	Oct. 4, 1786.
11. Purisima Concepcion,	35° 32'	Jan. 8, 1787.
12. Santa Cruz,	36° 58'	Aug. 28, 1791.
13. La Soledad,	36° 38'	Oct. 9, 1791.

At first the missions nominally occupied the whole territory, except the four small military posts of San Diego, Santa Barbara, Monterey, and San Francisco; that is, the limits of one mission were said to cover the intervening space to the limits of the next: and there were no other occupants except the wild Indians, whose reduction and conversion was the object of the establishments. The Indians, as fast as they were reduced, were trained to labor in the missions, and lived either within its walls, or in small villages near by, under the spiritual and temporal direction of the priests, but the whole under the political control of the Governor of the province, who decided contested questions of right or policy, whether between different missions, between missions and individuals, or concerning the Indians. Soon, however, grants of land began to be made to individuals, especially to retired soldiers, who received special favor in the distant colonies of Spain, and became the settlers and founders of the countries they had reduced and protected. Some settlers were also brought from the neighboring provinces of Sonora, and Sinaloa, and the towns of San Jose, at the head of the Bay of San Francisco, and Los Angeles, eight leagues from the port of San Pedro, were early founded. The Governor exercised the privilege of mak-



ing concessions of large tracts, and the Captains of the *Presidios* were authorized to grant building lots and small tracts for gardens and farms, within the distance of two leagues from the *Presidios*. By these means the mission tracts began respectively to have something like known boundaries; though the lands they thus occupied were still not viewed, in any light, as the property of the missionaries, but as the domain of the crown, appropriated to the use of the missions while the state of the country should require it, and at the pleasure of the political authority. It was the custom throughout New Spain (and other parts of the Spanish colonies, also) to secularize, or to subvert, the mission establishments, at the discretion of the ruling political functionary; and this not as an act of arbitrary power, but in the exercise of an acknowledged ownership and authority. The great establishment of Sonora, I have been told, were divided between white settlements and settlements of the Indian pupils, or neophytes of the establishments. In Texas, the missions were broken up, the Indians were dispersed, and the lands have been granted to white settlers. In New Mexico, I am led to suppose, the Indian pupils of the missions, or their descendants, still, in great part, occupy the establishments; and other parts are occupied by white settlers, in virtue of grants and sales.\* The undisputed exercise of this authority over all the mission establishments, and whatever property was pertinent to them, is certain.

The liability of the missions of Upper California, however, to be thus dealt with, at the pleasure of the Government, does not rest only on the argument to be drawn from this constant and uniform practice. It was inherent in their foundation—a condition of their establishment. A belief has prevailed,—and it is so stated in all the works I have examined which treat historically of the missions of this country,—that the first act which looked to their secularization, and especially the first act by which any authority was conferred on the local government for that purpose, or over their temporalities, was an act of the Mexican Congress of 17th August, 1833. Such, however, was not the case. Their secularization—their subversion was looked for in their foundation; and I do not perceive that the local authority (certainly not the supreme authority) has ever been without that lawful jurisdiction over them, unless subsequent to the colonization regulations of 21st November, 1828, which temporarily exempted mission lands from colonization. I quote from a letter of “Instructions to the Commandant of the new establishments of San Diego and Monterey,” given by Viceroy Bucareli, 17th August, 1773:

“Article 15. When it shall happen that a mission is to be formed into a pueblo, (or village,) the commandant will proceed to reduce it to the civil

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\* Since writing the above, I have learned from the Hon. Mr. Smith, delegate from the Territory of New Mexico, that the portion of each of the former mission establishments which has been allotted to the Indians, is one league square. They hold the land, as a general rule, in community, and on condition of supporting a Priest and maintaining divine worship. This portion and these conditions are conformable to the principles of the Spanish laws concerning the allotments of Indian villages. Some interesting particulars of the foundation, progress, and plan of the Missions of New Mexico are contained in the report, or information before quoted, of 1793, from the Viceroy to the King of Spain, and in extracts from it given in the papers accompanying this report.



and economical government, which, according to the laws, is observed by other villages of this Kingdom ; then giving it a name, and declaring for its patron saint under whose memory and protection the mission was founded." (Cuando llegue el caso de que haya de formarse en el puebla una mission, procedera et comandante a reducirlo al gobierno civil y economico que observan, segun las leyes, los demas de este reyno ; poniendole nombre entonces, y declarandole por su titular el santo bajo cuya memoria y venerable proteccion se fundo la mission.)

The right, then, to remodel these establishments at pleasure, and convert them into towns and villages, subject to the known policy and laws which governed settlements of that description,\* we see was a principle of their foundation. Articles VII. and X. of the same letter of Instructions, shows us also that it was a part of the *plan* of the missions that their condition should be thus changed ; that they were regarded only as the nucleus and basis of communities to be thereafter emancipated, acquire proprietary rights, and administer their own affairs ; and that it was the duty of the Governor to choose their sites, and direct the construction and arrangement of their edifices, with a view to their convenient expansion into towns and cities. And not only was this general revolution of the establishments thus early contemplated and provided for, but meantime the Governor had authority to reduce their possessions by grants within and without, and to change their condition by detail. The same series of instructions authorized the Governor to grant lands, either in community or individually, to the Indians of the missions, in and about their settlements on the mission lands ; and also to make grants to settlements of white persons. The Governor was likewise authorized at an early day to make grants to soldiers who should marry Indian women trained in the missions ; and the first grant, (and only one I found of record,) under this authorization, was of a tract near the mission edifice of Carmel, near Monterey. The authorization given to the Captains of *presidios* to grant lands within two leagues of their posts, expressly restrains them within that distance, so as to leave the territory beyond—though all beyond was nominally attached to one or other of the missions—at the disposition of the superior guardians of the royal property. In brief, every fact, every act of government, and principle of law applicable to the case, which I have met in this investigation, go to show that the missions of Upper California were never, from the first, reckoned other than government establishments, or the founding of them to work any change in the ownership of the soil, which continued in and at the disposal of the crown, or its representatives. This position was also confirmed, if it had needed any confirmation, by the opinions of high legal and official authorities in Mexico. The missions—speaking collectively of priests and pupils—had the *usufruct* ; the priests the administration of it ; the whole resumable, or otherwise disposable, at the will of the crown or its representatives.

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\* A revolution more than equal to the modern secularization, since the latter only necessarily implies the turning over of the temporal concerns of the missions to secular administration. Their conversion into pueblos would take from the missions all semblance in organization to their originals, and include the reduction of the missionary priests from the heads of great establishments, and administrators of large temporalities, to parish curates ; a change quite inconsistent with the existence in the priests or the church of any proprietary interest or right over the establishment.

The object of the missions was to aid in the settlement and pacification of the country, and to convert the natives to Christianity. This accomplished, settlements of white people established, and the indians domiciliated in villages, so as to subject them to the ordinary magistrates, and the spiritual care of the ordinary clergy, the *missionary* labor was considered fulfilled, and the establishment subject to be dissolved or removed. This view of their purposes and destiny fully appears in the tenor of the decree of the Spanish Cortes, of 13th September, 1813.\* The provisions of that act, and the reason given for it, develop in fact the whole theory of the mission establishments. It was passed "in consequence of a complaint by the Bishop elect of Guiana, of the evils that afflicted that Province, on account of the Indian settlements in charge of missions not being delivered to the ecclesiastic ordinary, though thirty, forty, and fifty years had passed since the reduction and conversion of the Indians." The Cortes therefore decreed :

1. That all the new *reducciones y doctrinas*, (that is settlements of Indians newly converted, and not yet formed into parishes,) of the Provinces beyond the sea, which were in charge of missionary monks, and had been ten years subjected, should be delivered immediately to the respective ecclesiastical ordinaries, (bishops) "without resort to any excuse or pretext, conformably to the laws and cédulas in that respect."

2. That as well these missions, (*doctrinas*,) as all others which should be erected into curacies, should be canonically provided by the said ordinaries, (observing the laws and cédulas of the royal right of patronage,) with fit ministers of the secular clergy.

3. That the missionary monks, relieved from the converted settlements, which should be delivered to the ordinary, should apply themselves to the extension of religion in benefit of the inhabitants of other wilderness parts, proceeding in the exercise of their missions conformably to the directions of paragraph 10, article 335, of the Constitution.†

6. That the missionary monks should discontinue immediately the government and administration of the property of the Indians, who should choose by means of their *ayuntamientos*, with intervention of the superior political authority, persons among themselves competent to administer it; the lands being distributed and reduced to private ownership, in ac-

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\* "Collection of Decrees of the Spanish Cortes, reputed in force in Mexico."—Mexico, 1830, p. 106.

† The following is the clause referred to, namely, paragraph 10, art. 335, Constitution of the Spanish Monarchy, 1812.

"The Provincial Councils of the Provinces beyond sea, shall attend to the order, economy, and progress of the missions for the conversion of infidel Indians, and to the prevention of abuses in that branch of administration. The Commissioners of such missions shall render their accounts to them, which accounts they shall in their turn forward to the Government."

This clause of itself settles the character of these establishments, as a branch of the public administration.

cordance with the decree of the 4th of January, 1813, on reducing vacant and other lands to private property.\*

It has also been supposed that the Act above alluded to, of the Mexican Congress, (of the 17th August, 1833,) was the first assertion by the Mexican Government of property in the Missions, or that they by that Act first came, (or came to be considered,) national domain. But this is likewise an error. The Mexican Government has always asserted the right of property over all the Missions of the country, and I do not think that the supposition has ever been raised in Mexico, that they were the property of the missionaries or the Church. The General Congress of Mexico, in a decree of 4th August, 1824, concerning the public revenue, declares the estates of the Inquisition, as well as all temporalities, to be the property of the nation; (that is, no doubt, in contradistinction from property of the States—making no question of their being public property.) This term would include not only the Mission establishments, but all rents, profits, and incomes the monks received from them. A like Act of July 7th, 1831, again embraces the estates of the inquisition and temporalities as national property, and places them with "other rural and suburban estates," under charge of a Director General. The executive regulations for colonizing the territories, may raise an idea of territorial and native property in them, but it puts out of the question any proprietary right in the missionaries.

The 17th article of these regulations, (Executive Regulations for the Colonization of the Territories, adopted 21st November, 1828,) relates to the missions, and directs that, "In those territories where there are missions, the lands which they occupy shall not at present be colonized, nor until it be determined if they ought to be considered as property of the settlements of the neophyte-catechumens and Mexican Settlers."

The subsequent acts and measures of the General Government of Mexico in direct reference to missions, and affecting those of California, are briefly as follows:

A Decree of the Mexican Congress of 20th November, 1833, in part analogous to the decree before quoted of the Spanish Cortes of September, 1813, directing their general secularization, and containing these provisions:

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\* Collection of Decrees of the Spanish Cortes," &c. p. 51. This decree provides:

1. "That all the vacant or royal lands, and town reservations (*propios y arbitrios*, lands reserved in and about towns and cities for the municipal revenue,) both in the Peninsular and Islands adjacent, and in the Provinces beyond sea, except such commons as may be necessary for the villages, shall be converted into private property; provided, that in regard to town reservations, some annual rents shall be reserved."

2. That "in whatever mode these lands were distributed, it should be in full and exclusive ownership, so that their owners may enclose them, (without prejudice of paths, crossings, watering-places, and servitudes,) to enjoy them freely and exclusively, and destine them to such use or cultivation as they may be best adapted to; but without the owners ever being able to entail them, or to transfer them, at any time or by any title, in mortmain."

3. In the transfer of these lands shall be preferred the inhabitants of the villages, (or settlements,) in the neighborhood where they exist, and who enjoyed the same in common whilst they were vacant."



1. The Government shall proceed to secularize the missions of Upper and Lower California.

2. In each of said missions shall be established a parish, served by a curate of the secular clergy, with a dotation of two thousand, to two thousand five hundred dollars, at the discretion of the Government.

4. The mission churches, with the sacred vessels and ornaments, shall be devoted to the uses of the parish.

5. For each parish, the Government shall direct the construction of a cemetery outside of the village.

7. Of the buildings belonging to each mission, the most fitting shall be selected for the dwelling of the curate, with a lot of ground not exceeding two hundred varas square, and the others appropriated for a municipal house and schools.

On the 2d December, 1833, a decree was published to the following effect:

"The Government is authorized to take all measures that may assure the colonization, and make effective the secularization of the missions of Upper and Lower California, being empowered to this effect, to use, in the manner most expedient, the *fincas de obras pias* (property of the piety fund) of those territories, to aid the transportation of the Commission and families who are now in this capital destined thither."

The Commission and emigrants, spoken of in this circular, were a colony under the charge of Don Jose Maria Hjar, who was sent out the following Spring, (of 1834) as Director of Colonization, with instructions to the following effect: That he should "make beginning, by occupying all the property pertinent to the missions of both Californias." That in settlements to be formed, special care should be taken to include the indigenous (Indian) population, mixing them with the other inhabitants, and not permitting any settlement of Indians alone; that topographical plans should be made of the squares which were to compose the villages, and in each square building lots to be distributed to the colonist families; that outside the villages there should be distributed to each family of colonists, in full dominion and ownership, four *caballerias*\* of irrigable land, or eight, if dependent on the seasons, or sixteen if adapted to stock raising, and also live stock and agricultural implements; that this distribution made, (out of the moveable property of the missions,) one-half of the remainder of said property should be sold, and the other half reserved on account of Government, and applied to the expenses of worship, maintenance of missionaries, support of schools, and the purchase of agricultural implements for gratuitous distribution to the colonists.

On the 16th of April, 1834, the Mexican Congress passed an Act to the following effect:

\* A *caballeria* of land is a rectangular <sup>5</sup> parallelogram of 552 varas by 1,104 varas.



1. That all the missions in the Republic shall be secularized.
2. That the missions shall be converted into curacies, whose limits shall be demarked by the Governors of the States where said missions exist.
3. This decree shall take effect within four months from the day of its publication.

The 7th November, 1835, an Act of the Mexican Congress directed, that "until the curates mentioned in the second article of the law of 17th of August, 1833, (above quoted,) should take possession, the Government should suspend the execution of the other articles, and maintain things in the condition they were before the said law."

I have so far, referred to these various legislative and governmental acts in relation to the missions, only to show, beyond equivocation or doubt, the relation in which the government stood towards them, and the rights of ownership which it exercised over them. My attention was next directed to the changes that had taken place in the condition of those establishments, under the various provisions for their secularization and conversion into private property.

Under the Act of the Spanish Cortes of September, 1813, all the missions in New Spain were liable to be secularized; that is, their temporalities delivered to lay administration; their character as *missions* taken away by their conversion into parishes, under charge of the secular clergy; and the lands pertinent to them to be disposed of as other public domain. The question of putting this law in operation with regard to the missions in California, was at various times agitated in that province; and in 1830, the then Governor, Echandria, published a project for the purpose, but which was defeated by the arrival of a new Governor, Victoria, almost at the instant the plan was made public. Victoria revoked the decree of his predecessor, and restored the missionaries to the charge of the establishments, and in their authority over the Indians.

Subsequent to that time, and previous to the Act of Secularization of August, 1833, nothing further to that end appears to have been done in California. Under that act, the first step taken by the Central Government was the expedition of Hjar, above noticed. But the instructions delivered to him were not fulfilled. Hjar had been appointed Governor of California, as well as Director of Colonization, with directions to relieve Governor Figueroa. After Hjar's departure from Mexico, however, a revolution in the Supreme Government induced Hjar's appointment as political Governor to be revoked; and an express was sent to California to announce this change, and with directions to Figueroa to continue in the discharge of the Governorship. The courier arrived in advance of Hjar, who found himself on landing, (in September, 1834,) deprived of the principal authority he had expected to exercise. Before consenting to co-operate with Hjar, in the latter's instructions concerning the missions, Figueroa consulted the Territorial Deputation. That body protested against the delivery of the vast property included in the mission estates—and to a

settlement in which the Indian pupils had undoubtedly an equitable claim—into Hajar's possession, and contended that his authority in the matter of the missions, depended on his commission as Governor, which had been revoked, and not on his appointment (unknown to the law) as Director of Colonization. As a conclusion to the contestation which followed, the Governor and Assembly suspended Hajar from the last mentioned appointment, and returned him to Mexico.\*

Figueroa, however, had already adopted (in August, 1834) a project of secularization, which he denominates a "Provisional Regulation." It provided that the missions should be converted partially into pueblos or villages, with a distribution of lands and moveable property, as follows: to each individual, head of a family, over twenty-five years of age, a lot of ground not exceeding four hundred nor less than one hundred varas square, in the common lands of the mission, with a sufficient quantity in common for pasturage of the cattle of the village, and also commons and lands for municipal uses; likewise, among the same individuals, one-half of the live stock, grain, and agricultural implements of the mission, that the remainder of the lands, immoveable property, stock, and other effects, should be in charge of the mayor-domos or other persons appointed by the Governor, subject to confirmation by the General Government; that from this common mass should be provided the maintenance of the priest, and expenses of religious service, and the temporal expenses of the mission; that the minister should choose a place in the mission for his dwelling; that the emancipated Indians should unite in common labors for the cultivation of the vineyards, gardens, and field lands, which should remain undivided until the determination of the Supreme Government; that the donees under the regulation, should not sell, burthen, or transfer their grants, either of lands or cattle, under any pretext; and any contracts to this effect should be null, the property reverting to the nation, the purchaser losing his money; that the lands, the donee of which might die without leaving heirs, should revert to the nation; that *rancherías* (hamlets of Indians) situated at a distance from the missions, and which exceeded twenty-five families, might form separate pueblos, under the same rules as the principal one. This regulation was to begin with *ten* of the missions (without specifying them) and successively be applied to the remaining ones.

The Deputation, in session of the third of November of the same year, (1834,) made provision for dividing the missions and other settlements into parishes or curacies, according to the law of August, 1833; authorized the missionary priests to exercise the functions of curates, until curates of the secular clergy should arrive, and provided for their salaries and expenses of worship. No change was made in this act, in the relations established by Gov. Figueroa, for the distribution and management of the property.

Accordingly, for most or all of the missions, administrators were appointed by the Governor; and in some, but not all, partial distribution of the lands and moveable property was made, according to the tenor of the

\* Manifiesto a la Republica Mejicana, que hace el General Jose Figueroa, Commandante General y gefe politico de la Alta California. Monterey, 1835.

regulation. From this time, however, all tracts of lands pertinent to the missions, but not directly attached to the mission buildings, were granted, as any other lands of the territory, to the Mexican inhabitants and to colonists, for stock farms and tillage.

The act of the Mexican Congress of 1835, directing the execution of the decree of 1833, to be suspended until the arrival of curates, did not, as far as I could ascertain, induce any change in the policy already adopted by the territorial authorities.

On the 17th January, 1839, Governor Alvarado issued regulations for the government of the administrators of the missions. These regulations prohibited the administrators from contracting debts on account of the missions: from slaughtering cattle of the missions, except for consumption, and from trading the mission horses or mules for clothing for the Indians; and likewise provided for the appointment of an inspector of the missions, to supervise the accounts of the administrators, and their fulfilment of their trusts. Art. 11 prohibited the settlement of white persons in the establishments "while the Indians should remain in community; The establishments of San Carlos, San Juan Bautista and Sonoma, were excepted in these regulations, and to be governed by special rules.

On the first of March, 1840, the same Governor Alvarado suppressed the office of administrators and replaced them by *mayor domos*, with new and more stringent rules for the management of the establishments; but not making any change in the rules of Gov. Figueroa, regarding the lands or other property.

By a proclamation of the 29th of March, 1843, Governor Micheltorena, "in pursuance (as he states) of an arrangement between the Governor and the prelate of the missions," directed the following named missions to be restored to the priests "as tutors to the Indians, and in the same manner as they formerly held them," namely: the missions of San Diego, San Luis Rey, San Juan Capistrano, San Gabriel, San Fernando, San Buenaventura, Santa Barbara, Santa Ynes, La Purisima, San Antonio, Santa Clara and San Jose. The same act set forth that "as policy made irrevocable what was already done," the missions should not reclaim any lands thitherto granted; but should collect the cattle and moveable property which had been lent out either by the priests and administrators, and settle in a friendly way with the creditors; and likewise regather the dispersed Indians, except such as had been legally emancipated, or were at private service. That the priests might provide out of the products of the missions for the necessary expenses of converting, subsisting and clothing the Indians, for a moderate allowance to themselves, economical salaries to the *mayor-domos*, and the maintenance of Divine worship; under the condition that the priests should bind themselves in honor and conscience to deliver to the public treasury one-eighth part of all the annual products of the establishment. That the Departmental Government would exert all its power for the protection of the missions, and the same in respect to individuals, and to private property, securing to the owners the possession and preservation of the lands they now hold, but promising not to make



any new grants without consultation with the priests, unless where the lands were notoriously unoccupied, or lacked cultivation, or in case of necessity.

Micheltorena's government was shortly after concluded. There had been sent into the Department with him a considerable body of persons, called *presidarios*, that is, criminals condemned to service—usually, as in this case, to military service on the frontier—and their presence and conduct gave such offence to the inhabitants that they revolted, and expelled him and the *presidarios* from the country. He was succeeded by Don Pio Pico, in virtue of his being the “first vocal” of the Departmental Assembly,\* and also by choice of the inhabitants, afterwards confirmed by the Central Government, which, at the same time, gave additional privileges to the Department, in respect to the management of its domestic affairs.

The next public act which I find, in relation to the missions, is an act of the Departmental Assembly, published in a proclamation of Governor Pico, 5th June, 1845. This act provides :

1. That the Governor should call together the neophytes of the following named missions : San Rafael, Dolores, Soledad, San Miguel, and La Purisima ; and in case those missions were abandoned by their neophytes that he should give them one month's notice, by proclamation, to return and cultivate said missions, which if they did not do, the missions should be declared abandoned, and the Assembly and Governor dispose of them for the good of the Department.

2. That the missions of Carmel, San Juan Bautista, San Juan Capistrano, and San Francisco Solano, should be considered as *pueblos*, or villages, which was their present condition ; and that the property which remained to them, the Governor, after separating sufficient for the curate's house, for churches and their pertinencies, and for a municipal house, should sell at public auction ; the product to be applied, first to pay the debts of the establishment, and the remainder, if any, to the benefit of divine worship.

3. That the remainder of the missions to San Diego, inclusive, should be rented, at the discretion of the Governor, with the proviso that the neophytes should be at liberty to employ themselves at their option on their own grounds, which the Governor should designate for them, in the service of the rentee, or of any other person.

4. That the principle edifice of the mission of Santa Barbara should be exempted from the proposed renting, and in it the Governor should designate the parts most suitable for the residence of the bishop and his attendants, and of the missionary priests then living there ; moreover, that the rents arising from the remainder of the property of said mission should be disbursed ; one-half for the benefit of the churches and its ministry, the other for that of its Indians.

\*According to act of the Mexican Congress of the 6th of May, 1832, to provide for supplying the place of Provincial Governors, in default of an incumbent.



5. That the rents arising from the other missions should be divided, one-third to the maintenance of the ministers, one-third to the Indians, one-third to the Government.

On the 28th of October, of the same year, (1845) Governor Pico gave public notice for the sale, to the highest bidder, of five missions, to wit: San Rafael, Dolores, Soledad, San Miguel and La Purisima; likewise, for the sale of the remaining buildings in the pueblos (formerly missions) of San Luis Obispo, Carmel, San Juan Bautista, and San Juan Capistrano, after separating the churches and their appurtenances, and a curate's, municipal and school houses. The auctions were appointed to take place, those of San Luis Obispo, Purisima, and San Juan Capistrano, the first four days of December following, (1845.) those of San Rafael Dolores, San Juan Bautista, Carmel, Soledad, and San Miguel, the 23d and 24th of January, 1846; meanwhile, the Government would receive and take into consideration proposals in relation to said missions.

In the same proclamation, Pico proposes to rent to the best bidder, for a period of nine years, and under conditions for the return of the property in good order, and without waste, the missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ynes; the rentings to include all the lands, stock, agricultural tools, vineyards, gardens, offices, and whatever, in virtue of the inventories, should be appurtenant to said missions, with "the exception only of those small pieces of ground which have always been occupied by some Indians of the missions;" likewise to include the buildings, saving the churches and their appurtenances, and the curate's, municipal and school houses, and except in the mission of Santa Barbara, where the whole of the principal edifices should be reserved for the bishop and the priests residing there. The renting of the missions of San Diego, San Luis Rey, San Antonio, Santa Clara and San Jose, it was further announced, should take place as soon as some arrangement was made concerning their debts. It was also provided that the Neophytes should be free from their pupilage and might establish themselves on convenient parts of the missions, with liberty to serve the rentor, or any other person: that the Indians who possessed pieces of land, in which they had their houses and gardens, should apply to the government for titles, in order that their lands might be adjudicated to them in ownership, "it being understood that they would not have power to sell their lands, but that they should descend by inheritance."

On the 30th March, 1846, the Assembly passed an Act--

1. Authorizing the Governor, in order to make effective the object of the decree of the 28th of May previous, to operate as he should believe most expedient, to prevent the total ruin of the missions of San Gabriel, San Luis Rey, San Diego and others found in like circumstances.

2. That as the remains of said establishments had large debts against them, if the existing property was not sufficient to cover the same, they might be put into bankruptcy.

3. That if, from this authorization, the Governor, in order to avoid the destruction to which said missions were approaching, should determine to sell them to private persons, the sales should be by public auction.

4. That when sold, if after the debts were satisfied, there should be any remainder, it should be distributed to the Indians of the respective establishments.

5. That, in view of the expenses necessary in the maintenance of the priest, and of divine worship, the Government might determine a portion of the whole property, whether of cultivatable lands, houses, or of any other description, according to his discretion, and by consultation with the respective priests.

6. The property thus determined should be delivered as by sale, but subject to a perpetual interest of 4 per cent., for the uses above indicated.

7. That the present Act should not affect anything already done, or contracts made in pursuance of the decree of 28th May last, nor prevent anything being done conformable to that decree.

8. That the Governor should provide against all impediments that might not be foreseen by the Act, and in six months at farthest, give an account to the Assembly of the result of its fulfilment.

Previous to several of the last mentioned acts, that is, on the 24th August, 1844, the Departmental Assembly, in anticipation of a war breaking out, passed a law authorizing the Governor on the happening of that contingency, either "to sell, hypothecate or rent the houses, landed property and field lands of the missions, comprehended in the whole extent of country from San Diego to Sonoma," except that of Santa Barbara, "reserved for the residence of the Bishop."

These comprise all the general Acts of the authorities of California which I was able to meet with, on the subject of missions. Of the extent or manner in which they were carried into execution, so far as the missions proper (that is, the mission buildings and lands appurtenant) are concerned, but little information is afforded by what I could find in the archives. A very considerable part, however, of the grants made since the act of secularization of 1833, (comprising the bulk of all the grants in the country,) are of lands previously recognized as appurtenances of the missions, and so used as grazing farms, or for other purposes. In some cases, the petitions for such grants, were referred to the principal priest at the mission to which the land petitioned for was attached, and his opinion taken whether the grant could be made without prejudice to the mission. In other cases, and generally, this formality was not observed. This remark relates to the farms and grazing grounds (*ranchos*) occupied by the missions apart from the lands around the mission buildings. There are, however, some grants in the immediate precincts of the missions, and some titles to Indians, pursuant to the regulation of Governor Figueroa, and the proclamation of Governor Pico, of record in the file

of *expedientes* of grants before noticed. What I have been able to gather from the meagre records and memoranda in the archives, and from private information and examination of the actual state of the missions is given below. It is necessary to explain, however, still farther than I have, that in speaking of the missions now, we cannot understand the great establishments which they were. Since 1833, and even before, farms of great (many leagues) extent, and many of them have reduced the limits they enjoyed, in all cases very greatly, and in some instances into a narrow compass; and while their borders have been thus cut off, their planting and other grounds inside are dotted to a greater or less extent by private grants. The extent to which this has been the case, can only be ascertained by the same process that is necessary every where in California, to separate public from private lands, namely: authorized surveys of the grants, according to their calls, which though not definite, will almost always furnish some distinguishable natural object to guide the Surveyor. I was told by Major J. R. Snyder, the gentleman appointed Territorial Surveyor by Col. Mason, and who made surveys of a number of grants in the central part of the country, that he had little difficulty in following the calls, and ascertaining the bounds of the grants. The actual condition of the establishments, understanding them in the reduced sense above shown, was, at the time the Mexican Government ceased in California, and according to the best information I could obtain, as follows:—

MISSIONS.	WHERE SITUATED.	
San Diego,	32° 48'	Sold to Santiago Arguello, 8th June, 1846.
San Luis Rey,	33 03	Sold to Antonio Cot and Andres Pico, 13th May, 1846.
San Juan Capistrano,	32 26	Pueblo and remainder sold to John Foster and James McKinley, 6th December, 1845.
San Gabriel,	34 10	Sold to Julian Workman and Hugo Reid, 18th June, 1846.
San Fernando,	34 16	Rented to Andres Pico for nine years, from Dec. 1845, and sold to Juan Celis, June 1846.
San Buenaventura,	34 36	Sold to Joseph Arnaz.
Santa Barbara,	34 40	Rented for nine years, from 8th June, 1846, to Nicholas Den.
Santa Ynes,	34 52	Rented to Joaquin Carrillo.
La Purisima,	35 00	Sold to John Temple, 6th December, 1845.
San Luis Obispo,	35 36	Pueblo.
San Miguel,	35 48	Uncertain.
San Antonio,	36 30	Vacant.
Soledad,	36 38	House and garden sold to Sobranes, 4th Jan., 1846.
Carmel,	36 44	Pueblo.
San Juan Bautista,	36 58	Pueblo.
Santa Cruz,	37 00	Vacant.
Santa Clara,	37 20	In charge of priest.
San Jose,	37 30	In charge of priest.
Dolores,	37 58	Pueblo.
San Rafael,	38 00	Mission in charge of priest.
San Francisco Solano,	38 30	Mission in charge of priest.

The information above given concerning the condition of the missions, at the time of the cessation of the former government, is partly taken from documents in the archives, and partly from private sources. What is to be traced in the archives is on loose sheets of paper, liable to be lost, and parts, quite likely, have been lost; there may be also some papers concerning them, which, in the mass of documents escaped my notice. I

have no doubt, however, of the exactness of the statement above given as far as it goes.

It will be seen then, that the missions—the principal parts of their lands cut off by private grants, but still, no doubt, each embracing a considerable tract, perhaps, from one to ten leagues—have, some of them, been sold or granted under the former government and become private property; some converted into villages, and consequently granted in the usual form in lots to individuals and heads of families; a part are in the hands of rentees, and at the disposal of the government when these contracts expire; and the remainder at its present disposal. If it were within my province to suggest what would be an equitable disposition of such of the missions as remain the property of the government, I should say, that the churches, with all the church property and ornaments; a portion of the principal building for the residence of the priest, with a piece of land equal to that designated in the original act of the Mexican Congress for their secularization, (to wit, two hundred varas square,) with another piece for a cemetery, should be granted to the respective Catholic parishes for the uses specified; and the remainder of the buildings, with portions of land attached, for schools and municipal or county purposes; and for the residence of the bishop, the same allotment at the mission of Santa Barbara that was made in the last proclamation of Governor Pico. The churches certainly ought not to be appropriated to any other use; and less than I have suggested would, I think, be less than equity and justice, and less than the inhabitants have always considered and enjoyed as their right.



SPECIAL REPORT  
OF THE  
STATE TREASURER.

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STATE TREASURER'S OFFICE,  
Sacramento City, February 27, 1852. }

Sir:—

In accordance with a resolution of your honorable body, of the first instant, I herewith transmit the following report.

Very respectfully,  
Your obedient servant,  
RICHARD ROMAN,  
State Treasurer.

To the Hon. SAMUEL PURDY, President of the Senate.

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ACCOUNT OF RECEIPTS AND DISBURSEMENTS

*By the State Treasurer, from July 1, 1851, to February 1, 1852.*

RECEIPTS.

From San Diego County,	\$3,088 00
“ El Dorado “	6,383 01
“ Tuolumne “	4,681 88
“ Santa Cruz “	7,903 23
“ Contra Costa “	9,690 64
“ Sacramento “	46,383 80
“ San Francisco “	89,210 80
“ San Joaquin “	11,224 84
“ Santa Clara “	10,597 63
“ Yuba “	7,725 76
Amount carried forward,	\$106 228 42

Amount brought forward,		\$196,888 42
From Solano County,		4,000 00
" Nevada "		6,626 00
" Placer "		3,518 66
" Marin "		4,402 03
" Butte "		3,064 85
" Shasta "		3,338 43
" Monterey "		9,135 23
" Sutter "		1,000 00
" Yolo "		2,701 60
" Napa "		4,790 70
" Los Angeles "		10,593 32
" Santa Barbara "		3,621 26
" City of San Francisco,		14,250 00
" Funding Commissioners of San Francisco,		1,000 00
Total,		<u>\$268,930 50</u>

This amount was received—

In State Bonds and Interest,	\$64,830 86
" " Warrants,	26,234 19
" " Cash,	177,865 45
Total,	<u>\$268,930 50</u>

#### DISBURSEMENTS.

Warrants paid by State Treasurer,	\$143,805 57
Warrants received from County Treasurers,	26,234 19
Three per cent. State Bonds and Interest,	64,830 86

Balance in Treasury—

Interest Tax Fund,	\$22,878 62	
Hospital "	209 40	
General "	10,971 86	34,059 88
Total,		<u>\$268,930 50</u>

## OPERATIONS OF THE FUNDED DEBT OF THE STATE,

*From July 1, 1851, to February 1, 1852.*

Amount of Warrants received for Funding,	\$365,225 97
Less balance of Treasurer's Certificates for amounts due on Warrants, issued from July 1, 1851, to February 1, 1852,	1,225 97
	<hr/> \$364,000 00
728 Bonds issued, \$500 each,	\$364,000 00

## REPORT OF COMMITTEE ON EDUCATION.

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Your Committee on Education having had that subject under long and earnest consideration, beg leave to present the following

### REPORT:

It can scarcely be necessary to discuss the general subject of Education. That has been sufficiently done by wise and good men of all nations and all time; the earlier ideas of the East having found a clearer expression and far more liberal application, as civilization and freedom have followed in the path of empire, until the thoughts which made eloquent the tongue and pen of Confucius and Solon, have attained a fuller development in the language of Newton and Locke; and the morning light of Science, which shone centuries ago on the borders of the Chinese seas and the Grecian Archipelago, has reached its noon-day glory on the cliffs of the Albion and the Atlantic's western shore, and is soon to warm into intellectual verdure the hitherto dark and drowsy Pacific slope.

Leaving, then, the general subject where the wisdom of ages has placed it, the attention of your Committee has been directed to the practicability of a more immediate and popular development, in the form of Common Schools. Naturally, the first consideration has been, the means of their establishment and support. The generosity of the Federal Government and the wisdom of those who framed our State Charter, have furnished the rough material in ample abundance for an educational platform, upon which may be erected the finest superstructures of State intelligence that the patriot heart could desire. The only fear is that unskilled or selfish hands may destroy its architectural beauty and useful proportions, in a misapplication or waste of means.

These, if carefully and wisely managed and applied, it is believed, will prove eventually adequate. They consist in the proceeds of sales of public lands granted by Congress already, or which may hereafter be granted to this State; escheated estates; per centage which may be granted by Congress on the sales of land in this State; rent of unsold lands; donations and taxes, raised by Act of the Legislature. Much of these specified



sources of revenue are prospective, yet a respectable portion may be considered as almost immediate

As the most immediate source from public lands which this State may derive for Common School purposes, are the 500,000 acres granted by Act of Congress, passed in 1841, to such States as should thereafter be admitted to the Union. Your Committee have constructed the provisions of the bill herewith presented, so far as it relates to the selection and sale of the public lands, to apply particularly to that munificent behest ; leaving to future legislation the management and sale of such other portions of the public domain as may hereafter become a part of the State's inheritance, and the dower of our common schools.

And here it is deemed necessary to meet an objection which has been raised against the legality of appropriating the proceeds of sales of the 500,000 acres above mentioned, to educational purposes. The argument is this : that inasmuch as Congress donated these lands to the new States, respectively, for purposes of internal improvement, the framers of the Constitution of California, possessed neither the right nor the power to divert them to a different purpose from that contemplated and expressed in the act of donation. And consequently, that the 2d section of the 9th article of our State Constitution, so far as it relates to said donation, is null and void.

The answer to this seems simple and conclusive. The Constitution of the State of California was framed subsequently to the grant by Congress, it is true ; and that any stipulation which it might have contained, changing the terms of any previous grant by Congress, must have been inoperative, save only as indicative of public sentiment, is equally true. But when it is recollected that that Constitution was approved by an almost unanimous vote of the people of this State, and that subsequently Congress admitted California with her Constitution as it was and is, the section referred to included, it would appear evident that Congress conceded to the people of California the right to dispose of those lands as they saw fit. The moment California was admitted a sovereign State into the Union, each section of her Constitution became a portion of her Organic Law, over which Congress possesses no power whatever, either to alter or obstruct. The admission being unconditional, the Constitution is supreme, and nothing but a revision by the people, in conformity with its provisions, revolution, or subversion by a foreign power, can defeat the will of our citizens, as expressed in that instrument.

It should undoubtedly be our policy to obtain title to, and possession of these lands, at the earliest possible period, and to dispose of them in the manner best calculated to accomplish the object for which they have been appropriated by our Constitution. They are a sacred deposit by the gift of the nation, and special trust of the people of this State, in the keeping of its legislature ; and no sacrifice of them, or any part of them, for other than their legitimate use, nor for any mere temporary benefit to that interest, can be allowed by the Legislature, without a betrayal of trust, for which there can be no forgiveness now, nor hope of pardon from the future

generations of children who should become heirs to this munificent inheritance.

It is believed that the most certain way of obtaining the greatest fund from these lands is to sell alternate portions only, at present ; thus at the same time encouraging emigration, the settlement of the country, and an enhancement in the value of these lands for the future benefit of the School Fund. To thrust them into the market all at once, would be to reduce their market value for the benefit of the speculator, while the children and youth of our State, whose inheritance they are, would be cheated out of a large portion of their rightful fortunes.

The next source of revenue is escheated estates. A Bill upon this subject for the purpose of securing to the school fund such property, has been prepared in the other branch of the Legislature, and will soon be presented for the consideration of this body.

The other sources of revenue being mostly prospective, beyond the present scope of your Committee's attention, need not be further referred to, with the exception of voluntary donations. And here it is hoped that the munificence and patriotism of our fortunate citizens, may be found emulating the example set by the Superintendent of public instruction, who has the honor of having made the first donation to the common school fund of California, amounting to about one thousand five hundred dollars, won by toil and danger in the military service of his State, for the protection of its citizens.

It is high time that the Legislature commence in good earnest to carry into effect the intent and spirit of our Constitution. Families are coming into the State in great numbers. The land has become to be considered one of golden grain, as well as of golden dust, and the husbandman comes as a husband and father now, with the ties and pleasant faces of home around him, to dwell among us, and be of us—to till the soil, and educate his children. This laudable desire of every man should be responded to at once, by those in whose hands are placed the destinies of the coming generations. A good common school system can no longer be delayed, without sacrificing the best interests of society. Such a system in successful operation, would have a most beneficial effect in encouraging the emigration of the most valuable increments to our population—women and children—moral and industrious men and families.

Let it be understood that each county and town has its good and efficient common schools, and the head of a family would hesitate no longer to settle down upon the rich soil and become one of the permanencies of our young state.

It is not pretended nor expected that a bill, no matter with how much care and earnest desire of doing the very best possible for the object it contemplates, will be found, upon application and experimental proof perfect. Such may be the history of the bill herewith presented, should

it become a law. But it is thought that its provisions will form a safe ground-work for a perfect structure hereafter.

It has been the endeavor of your Committee to simplify, as much as possible, and make the machinery of the system, in its officers and provisions, as effective as may be, without being cumbersome ; and economical without rendering it inefficient. Yet your Committee would by no means recommend a parsimonious spirit in adjusting the details and putting in operation this machinery. One of the draw-backs upon the subject, during the past year, has been the disadvantages, pecuniarily, under which the State Superintendent has labored. Information of vital importance to education has thus been put beyond the reach of those for whose benefit the office was created. Public officers worthy of their position, deserve and should receive a reasonable compensation for their services.

Having thus touched only a few of the many interesting points of this subject, your Committee will not at present further discuss it, but present to your consideration, as a more condensed report of their views, the accompanying bill concerning Common Schools, the passage of which they would most respectfully recommend.

FRANK SOULE, *Chairman.*

REPORT OF  
JOINT COMMITTEE IN RELATION TO  
THE SACRAMENTO STATE HOSPITAL.

MR. PRESIDENT :

The Committee on State Hospitals, appointed by the Senate, and a like committee on the part of the Assembly, having visited the Sacramento State Hospital, with a view to ascertain its condition, wants, resources, and liabilities, ask leave to submit the following report.

The institution was ready for the reception of patients in May, 1851, and has been in operation, since that period, nearly nine months. The whole number of patients admitted up to the date of this report, is seven hundred and fifty, (750 ;) of this number, eighty-nine (89) have died, five hundred and eighty-eight (588) discharged ; and seventy-three (73) remain under treatment.

When we take into consideration the large number admitted, and the few deaths, the conclusion follows that the institution has been of great public utility—a hope and refuge to the indigent and the afflicted. From the report of the Visiting and Resident Physicians, it will be seen that many of our mining population from the Counties of El Dorado, Shasta and Nevada—a class, from the very nature of their employment, exposed more than any other to the ills of life and the vicissitudes of fortune—have availed themselves of its protection, and been the recipients of its charity.

The Trustees, with the limited means at their command, employed in a holy cause, and without a wish or hope of any pecuniary reward, have done all that men could do to foster and sustain the institution.

The Hospital buildings now under rent, are not probably surpassed by any in the State, for Hospital purposes. The rooms are numerous, generally well finished, well ventilated, cleanly, and judiciously arranged for the comfort and convenience of the sick. So far as the committee have been able to investigate, amounts of the receipts and disbursements of the Hospital, appear correct, and duly entered by the Secretary in the books which he is by law required to keep.



The total receipts up to January 10th, amount to \$25,822 29; less the loss sustained by sale of State Scrip and Warrants, \$10,108 85—leaving an actual cash receipt of \$15,713 44; of which \$15,702 44 has been disbursed, leaving a balance of \$11 in the hands of the Treasurer. At the date above referred to, the entire liabilities of the Hospital amounted to the sum of \$19,009 51; being for salaries of the officers, provisions, furniture, medicines, &c. For the liquidation of this debt, there are assets as follows:

State Scrip,	-	-	-	-	-	\$7,500
Gaming and Auction Tax, about	-	-	-	-	-	2,500
Cash in the hands of one of the Trustees,	-	-	-	-	-	4,000
Due by the city of Sacramento,	-	-	-	-	-	3,360
Total,	-	-	-	-	-	\$17,360

Should this sum be collected in cash, the entire indebtedness would not exceed \$3,000. Your committee learn that the three first items of assets above named have been garnisheed for rent.

In order to realize funds to meet immediate and necessary expenses, the Trustees were forced to the alternative of disposing of the State Warrants at less than fifty cents on the dollar, thereby subjecting the Hospital to a positive loss exceeding the sum of \$10,000; hence the principal cause of its embarrassed condition.

The fund anticipated to accrue from the tax imposed upon auction sales and gambling, has fallen far short of the estimate, for the reason that the greater portion of it has been paid into the State Treasury in three per cent State Bonds, which the Treasurer was by law required to cancel. In fact, had not the members of the Board of Trustees advanced from their private funds sufficient to procure the requisite furniture, provisions and medicines, the institution could not have been properly organized or sustained.

In absolute want of means to obtain daily supplies merely of provisions and medicines, it is now in a sinking condition and struggling for existence, with no hope but in the speedy action, wisdom, and liberality of the Legislature.

The Visiting and Resident Physicians, Doctors Bryarly and Williams, have, by their constant application to the duties imposed upon them, their manifest ability, skill and unwearied attention to the sick, well merited and sustained the important trust delegated to them by the last Legislature.

The patients informed your committee that, in all respects, they were well provided for; that the physicians were able and attentive; the nurses watchful and kind; and that, in short, they had no cause whatever of complaint.

The Trustees have been compelled to pay the onerous rent of \$1,100 per

month for the Hospital buildings. This heavy expense absorbs much of the means which would otherwise be used for the purchase of supplies and payment of other current expenses. The institution can hardly prosper with this heavy burden of rent resting upon it. Your committee believe that the property might be purchased on terms advantageous to the State. If so, they would recommend an early appropriation for that object.

The number of Lunatics admitted is forty-eight, of which twenty-one yet remain. Some of these are desperate, raving maniacs, requiring great care, and at times strong physical force to hold them in subjection.

This class of patients,—the most miserable and unfortunate of all—wild and bereft of reason,—do, in the opinion of your committee, claim especial legislative protection. The building at present occupied by them is too small, insecure, and by no means suited to their horrible condition.

Even this asylum, poor and insufficient as it is, must be refused them ; and these senseless beings, in human form, will be thrown back upon the world, helpless and unprotected. The only remedy is an improvement in the financial condition of the Hospital. By Act of the Legislature, the Sacramento State Hospital is required to receive and provide for the insane from every part of the State. For this object only \$15,000 have been appropriated. Your committee would respectfully suggest an appropriation sufficient for the purpose of erecting a suitable building for the accommodation of the insane, contiguous to the main Hospital, to be in charge of the same officers, and without any additional pay. This plan is recommended, especially on the ground of economy. The State being greatly embarrassed in its finances, it is deemed inexpedient, at this time, to incur the expense necessary to create a separate institution for the reception of the insane, to be under the government of officers appointed to that duty alone, and for the performance of which they would receive special compensation.

From the Reports in possession of the Legislature, it is shown that the entire number admitted into the State Marine Hospital at San Francisco is seven hundred ; and of these, four hundred and sixty were foreigners. Of the number admitted into the Sacramento State Hospital, two hundred and fifty were foreigners ; making, in the aggregate, seven hundred and ten, and a large majority of all those who have received the benefit of these two institutions. The Commutation Fund, amounting thus far to only \$18,297-25, and under the entire control of the State Marine Hospital, is wholly inadequate to provide for the relief of the sick and destitute foreign population arriving within our State. The citizens thereof are consequently heavily taxed, in order to provide means for the succor and support of those who have only a claim upon their philanthropy and sympathy. Your committee therefore recommend a change in the existing law, increasing the rate of commutation. For the benefit and relief of destitute foreigners who may become a charge upon the State, it has been suggested that the State might impose a kind of municipal tax in the form of tonnage dues upon foreign vessels arriving within the waters of the State. Your committee are of opinion that any Act of the kind would be unconstitutional, since it would undoubtedly conflict with the principles of international law, and with existing commercial treaties with foreign powers.

H. E. ROBINSON, Chairman.

R E P O R T  
OF  
COMMITTEE ON COMMERCE AND NAVIGATION,

TO WHOM WAS REFERRED THAT PORTION OF THE GOVERNOR'S  
MESSAGE, WHICH RELATES TO THE ESTABLISHMENT OF A BRANCH  
MINT IN CALIFORNIA.

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Mr. PRESIDENT:

The Committee on Commerce and Navigation, to whom was referred so much of the Governor's Message as relates to the establishment of a Branch Mint in this State, have had the same under consideration, and have instructed me to submit the following report :

The creation of a Branch Mint of the United States within the limits of California, is a subject which has engaged the attention and enlisted the hopes of almost every citizen in our State.

Each branch of industry is so seriously affected by the want of some institution of the kind, that every man has been forced to an opinion of its necessity and importance ; and there is, probably, no one subject upon which exists such a unanimity of sentiment among all classes in our midst.

The products of California, differing from the rest of the world, are of such a description, and her varied and extraordinary interests of such a nature, as to demand for their protection a peculiar policy. Being so far removed from the General Government, and embracing within herself all the elements of a separate Republic, without the constitutional power to provide for her own contingencies, the wants of California are necessarily urgent and imperative. Our rapidly increasing and vastly extended commerce, which exceeds that of many of the old commercial marts of the world, demands the immediate attention and protection of the home Government. The prosperity of this State is so intimately connected with that of the General Union, that your committee cannot but believe that, when properly presented, the reasonable applications of our citizens will be favorably considered.



The golden harvest of our mountains, which were at first looked upon as the exaggerated reports of proprietors and speculators, and afterwards as mere surface scatterings which soon would disappear, to the utter destruction of those hopes which actuated the hardy miner, are daily increasing in value, and are now electrifying the world with their extent and magnificence.

We cannot believe that Congress will fail, when properly advised, to provide the measures demanded by this new and wonderful interest, which is affecting the whole commercial world; and your committee would therefore urge the immediate passage of the resolutions accompanying this report.

In the prosecution of their duties upon this subject, your committee have deemed proper to apply, for reliable information, to those whose position, character and employment have rendered them fully capable of ascertaining the facts, and of judging of the proper policy to be pursued. Acting upon this suggestion, they have applied to several of the prominent business men of the country, and to the Chamber of Commerce of San Francisco, submitting to them questions covering the information desired, and are happy to state that they have received from the latter body, through its President, Beverly C. Sanders, Esq., most important and valuable information and suggestions. The paper containing the statements and suggestions referred to, has evidently been drawn up with much care, and its contents are of such a valuable nature, and have been digested with so much consideration that the committee have adopted it as a portion of this Report.

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SAN FRANCISCO, March 8, 1852.

Hon. THOMAS B. VAN BUREN,

Chairman of Committee on Commerce and Navigation, Sacramento city.

SIR: Your communication, addressed to the Chamber of Commerce, dated 4th instant, was duly received, asking for information touching the production and exports of gold dust, and extent of the commerce of California. In reply thereto, I beg to submit the following answers to your interrogations, in their order:

1. "What is the amount of gold dust shipped in 1850?"

The amount of bullion exported, as manifested at the Custom House, up to December 31, 1850, was \$27,676,346.

2. "What amount of gold dust was shipped in 1851?"

In answer to this question, I will give you the details of monthly shipments, as taken from the books of the Custom House, which will enable you to mark the gradual increase each month, from the commencement to the end of the year, as follows:



January,	-	-	-	-	\$2,803,270 00
February,	-	-	-	-	2,825,600 00
March,	-	-	-	-	2,959,825 00
April,	-	-	-	-	3,798,866 00
May,	-	-	-	-	3,079,672 00
June,	-	-	-	-	2,881,306 00
July,	-	-	-	-	3,321,245 00
August,	-	-	-	-	3,311,110 00
September,	-	-	-	-	3,861,616 00
October,	-	-	-	-	4,433,875 00
November,	-	-	-	-	4,507,762 79
December,	-	-	-	-	5,011,002 00

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\$42,795,139 79

The statement of the amount shipped up to 31st December, 1850, is far from being the true amount; as it was a considerable time after the steamers commenced running between San Francisco and Panama, and taking bullion on freight, before they manifested the shipments at the Custom House.

The foregoing shipments of bullion are taken from the books of the Custom House, and are the correct sums manifested, but by no means indicate the true amount of gold shipped from this port, or produced in California; for to these amounts must be added that which was carried away in the hands of passengers, estimated at \$500 each. That which was shipped to Chili by the Chili Flour Company, up to December 31, 1850, and not manifested, amounting to \$1,373,000: that which was shipped away in British men-of-war, and that which was shipped by merchants to various ports on the west coast of America, not manifested; also that which was carried overland, coastwise, by miners, to Mexico, Chili, Oregon, &c.

The gold which has left the State through these various channels, may be fairly estimated at fifty per cent. on the exports, as shown by the Custom House books; which will swell the amount exported in 1851, to \$64,192,709 68.

In this connection, it may not be out of place to refer to the *production* of gold dust in California, as the foregoing has reference only to the exports from the State.

From a tabular statement, made with much care, up to December 31, 1852, it was estimated that \$500,000 was manufactured in jewelry, and coined; and that \$6,000,000 was then in the hands of miners, merchants, brokers, and others, which should be added to the exports, in order to arrive at the products.

3. "What was the average value of gold dust in San Francisco, in 1850 and 1851?"

From the 15th of October, 1850, to the 1st of March, 1852, the average value of gold dust in San Francisco, was \$16 55 per ounce; previous to that it never ranged higher than \$16 00 per ounce.

4. "What was the value of gold dust at the Mints in 1850 and 1851?"

The fineness of gold at the United States Mint, ranges from 850 to 1000 thousandths; and the average of California gold would be 886 thousandths fineness, and worth at the mint \$18 32 per ounce.

5. "What was the per centage paid on shipments of gold dust?"

The freight on gold dust to Panama,	-	1 a 1-2	per cent.
Primage, 5 per cent.			
Isthmus transportation,	- - -	1-4	"
Freight from Chagres to New York,	-	1	"
Primage, 5 per cent.			
Insurance through to New York,	-	3	"
<hr/>			
Making,	- - -	5 1-4 a 5 3-4	per cent.
And 5 per cent. primage.			

6. "The difference in exchange?"

The rates of exchange on the Atlantic States, from October 1850, to March

1, 1851,	- - - -	par.	
March 1, to December 1,	- - -	1 a 2	per cent. premium.
December 1, to December 15,	- - -	2 a 3	" "
December 15, to March 1, 1852,	- - -	4	" "

7. "The value of the annual commerce of California?"

This question is very difficult to solve. There is no Bureau of Imports and Exports at the Custom House in this city; and the foreign and domestic business is mixed up together. To get at the amount of the latter, would require a resort to invoices in the hands of merchants.

Vessels arriving here from American ports, only leave manifests at the Custom House, which do not indicate values; besides, the great conflagration in May, 1851, destroyed all the records which might, up to that time, (if carefully examined,) have thrown some light on the subject.

From some figures, taken from authentic sources, which are subjoined, however, an approximation may be made by which the amount may be estimated.

From official documents I extract the following statement, showing the tonnage of five cities of the United States for the year 1850, as follows:

		TONNAGE ENTERED.	TONNAGE CLEARED.	TOTAL.
New York,	- -	1,141,331	982,478	2,123,809
Boston,	- -	478,859	437,760	915,619
New Orleans,	- -	349,949	369,937	719,886
San Francisco,	- -	130,864	180,128	310,992
Philadelphia,	- -	132,330	111,618	243,948

From the foregoing table, it will be seen that San Francisco was the fourth city in the Union, in point of tonnage entering and clearing, in 1850. I have not before me the full returns for the commercial year 1851; but from authentic sources, I find the amount of foreign tonnage entered at the port of San Francisco, for the six months ending 31st March, 1851, was 138,946 tons; exceeding the whole amount, shown by the above returns, to have entered during the commercial year 1850.

The precise amount of tonnage owned in San Francisco cannot now be arrived at, in consequence of the destruction of the records by fire, but may be computed from the fact that 258 vessels, of an aggregate tonnage of 48,226 tons, were transferred to resident owners in this city, in three months ending 30th June last, being previously owned on the Atlantic coast.

The amount of duties collected at this port, for the quarter ending 30th September last, was \$459,082 49, against \$464,250 48, corresponding quarter last year; to be added to the former amount, however, is a deposit during September, of \$72,707 30, on account of unascertained duties; making the total for the quarter ending 30th September, 1851, \$531,790-24. The number of American and foreign vessels, and amount of tonnage which arrived and departed from San Francisco, for the quarter ending 30th September, 1851, was as follows:

ARRIVED.			DEPARTED.		
Steamers,	14	23,083 tons.	Steamers,	16	27,464 tons.
Ships,	23	40,340 "	Ships,	27	45,115 "
Barks,	27	26,316 "	Barks,	36	28,782 "
Brigs,	24	11,636 "	Brigs,	25	14,118 "
Schooners,	24	8,381 "	Schooners,	61	14,262 "
Total,	112	109,756	Total,	165	129,741 tons.

The amount of duties collected at the Port of San Francisco, for the year ending 30th June, 1851, was \$2,120,884 00.

The amount of dutiable Goods re-exported from San Francisco, during the six months ending 30th September, 1851, was \$667,822; while the whole amount of dutiable goods re-exported from all the United States, except California, in 1850, was \$7,376,361. Thus it will be seen that, in six months ending 30th September, San Francisco re-exported at the rate of one-fifth of the whole amount of dutiable foreign goods of all the United States, in the year 1850; and the re-exportation of this description of goods

REPORT OF COMMITTEE  
ON  
JOINT RESOLUTIONS TO CONGRESS  
FOR A  
GEOLOGICAL AND MINERALOGICAL SURVEY  
OF THE  
MINERAL LANDS IN THIS STATE.

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MR. PRESIDENT :—The Committee to whom was referred the preamble and resolutions relative to a Geological and Mineralogical Survey of the mineral regions of the state of California, have had the subject under consideration, and beg leave to report, that the importance of the objects spoken of in the resolutions calls for immediate attention and action on the part of Congress ; not only for the purpose of more speedily developing the mineral resources of this State, but to enable the agriculturalist to predicate the success of his labors upon a sure data, and not be entirely dependent upon rains to sustain and mature his crops.

Our Government has, to some extent, commenced in various portions of the United States, systems of Geological and Mineralogical Surveys.

In the copper region on Lake Superior, large sums of money have been spent to obtain accurate information relative to the character and structure of the earth; and elaborate reports have been made to the Secretary of the Interior, the Hon. Thomas Ewing, in the year 1849.

It is unnecessary for the Committee to enter into a minute detail relative to the importance of such a scientific work in California.

In England and France, the most elaborate geological and mineralogical surveys have been made; and the result, in an industrial point of view, is incalculable. It is not to be supposed that the information obtained by making these surveys will benefit the mining interest alone.

The rapidity with which this State will be settled makes it incumbent upon the General Government to keep pace with the wants of an increasing population; and the necessity for correct and reliable information



relative to all parts of our interesting and wonderful State, will facilitate that which, in most other parts of our Union, would not be considered so much an object of solicitude, viz : a rapid settlement of the country, and a prosperous state of society : which is more speedily brought about when properly fostered by the General Government.

Many of our sister States have made surveys on their own account ; but here in this State, the expense will be great ; and the information to be obtained is of such a character that the utmost care and skill will be required, together with liberal appropriations in money, to prosecute the work with speed and success.

There are many reasons why the General Government should proceed with the work, and not hesitate a moment about the expense.

The first of which is, the great benefit derived to the Eastern States from the large shipments of gold. Any assistance in the way of a survey in this country, such as called for in the resolutions, will tend to augment the quantity.

The second is, that the completion of such survey will enable the country to be more rapidly settled by not only our own citizens but others ; and from the increased facilities afforded, by a correct knowledge of all parts of the State, to the miner, the farmer, merchant and mechanic. Consequently, as the population increases, the revenue to the General Government will be increased in proportion.

Freyburg in Saxony and Cornwall in England, are both celebrated mining districts, and support a dense population.

The system of veins about Freyburg are thoroughly understood. There are, from information, eight distinct systems.

The oldest and first on the list has a north and south bearing, and furnishing lead and silver. The Committee will here state that similar veins are found in this State, of which they have specimens of the ore ; they also run in the same magnetic direction as those spoken of.

The second system of veins runs north-east and south-west nearly, and are more argentiferous, but thinner.

The veins of the third system run north and south, and are crossed at right angles by those of the fourth system containing lead. The remaining four are of little importance.

There are also eight systems of veins in Cornwall : the two first contain tin ore, and the first one is cut by the second at many points. Their general direction is east and west, and nearly parallel.

The third run in the same direction, and cut the two first where they meet. In these are the great copper mines of the district. The fourth also contains copper, and runs north-west and south-east.

The fifth runs nearly north and south, and contains neither tin nor copper, but a small portion of lead.

The sixth system contains copper, and the seventh is barren, as is also the eighth, which contains only clay, not yet consolidated.

Examples might be cited in abundance, but these are deemed sufficient to show that each system of veins possess a distinctive character. The number of different classes of veins in a district is variable, from two or three, upwards.

It remains for the geologist and mineralogist to investigate the matter here, and lay before the people of this State the result of their labors, to enable the miner and agriculturalist to prosecute their works with more certainty and success.

In many places the earth has been mined to the depth of 2000 feet; the famous silver mines of Guanaxuato, in Mexico, has been worked to a depth of 1080 feet, and for a distance of upwards of six miles, in a horizontal direction, varying in thickness from 25 to 50 yards.

A celebrated mine in Derbyshire in England, averages about 23 yards in width.

It is not always that the same vein will be found to have the same contents; for they almost always vary in passing through different kinds of rock, and sometimes dwindle to a mere seam, and again enlarge out into veins of great size.

It is in such cases as this that the sciences are called into play, and your Committee think that an additional resolution should be attached to the preamble and resolutions offered, that a practical miner shall accompany the surveying corps, and that he shall be thoroughly versed in the business. The practical knowledge of the one, combined with the science of the other, cannot fail to give satisfactory results.

Veins are said to be richer when found in sedimentary rocks, than when found in an igneous formation; in some instances the reverse is the case, but they may be considered exceptions to a general rule.

These remarks may not apply strictly to the gold bearing quartz. Silver, copper, lead, iron and other metals, that are known to exist in this State, will be found to constitute so important a feature in the character of this country, that the most minute examinations should be made, and competent scientific men engaged by the General Government to prosecute the work.

Now is a proper time to commence it, while the Surveyor-General of the United States is running the base and meridian lines, and sectionizing the public lands. The geological and Mineralogical corps could follow—their labors thereby connecting two most important works. I do not

know if such was the plan adopted in the surveys on lake Superior ; but should the geologist follow the land surveyor, the work would progress more rapidly, for the cuttings and clearings on the lines would not be hidden by a fresh growth of underwood, which would be the case, should much time elapse before the geologist went upon the ground.

I will here make an extract from the geological surveys made in Michigan, to illustrate and make clear what I wish to be understood by the geologist following the land surveyor. This is from the report of Wm. A. Burt, under the head of iron ore beds.

"Fourteen beds of magnetic iron ores were found within this survey, located as follows: The first bed discovered of this ore was found while traveling from the Peshakumme Falls near the Menomonee river, east of Pitt river, before it was surveyed in May, 1846, but was not discovered again during the survey. It is believed to be near township 41 and 42 north; range 29 and 30 west. The second bed of magnetic iron ore was found on the east boundary of townships 46 north, range 30 west, section 1 and 6, along the south-west shore of a small lake on the Peshakumme river.

This shows the advantage of following the land surveyors, and thereby obtaining information which may facilitate the work. It appears that the work, or a portion of it on Lake Superior, was done by contract. This we would not recommend in California. The best talent should be obtained—the most liberal pay should be given, and the country thoroughly examined. It is unnecessary to enlarge upon the importance of conducting the geological, and all other surveys made in this country, upon the most liberal plan.

From the report of the Committee on Commerce and Navigation, it will be noticed that in the year 1850, the amount of \$50,000,000 was shipped from this State; in 1851 upwards of \$65,000,000 was shipped; and it is estimated that during the present year at least \$80,000,000 will be shipped. The Committee on Commerce and Navigation also state that the loss that we have sustained in consequence of not having a mint in California, amounted to \$5,700,000 in 1850, \$7,000,000 in 1851, and \$9,000,000 in 1852. It is natural to suppose that, had there been a mint in this State, that a large portion of the loss named would have been kept by our people, and would have been employed in mining, agriculture, and commerce.

We have, in this instance, deviated from the legitimate subject under consideration, for the purpose of showing the immense loss sustained by our people, in not getting that support from Congress which not only our interest requires, but that of the nation at large; for our prosperity is their prosperity.

Again, how much money has been expended by persons, in working quartz leads or veins, that will never be profitable? It is a want of proper knowledge upon the subject, that prevents them from turning their attention to other and more profitable labors.

The importance of the survey recommended is more apparent, when we consider that the debris of other metaliferous veins are not so easily found as that of gold-bearing quartz.

Quartz, from its indestructible nature when exposed to the action of the elements, will be but slightly acted upon, while the decomposition of the out-crops of other metaliferous veins of a different nature, are concealed from view; thereby making discovery more difficult.

Greater discoveries have yet to be made in this State, and they will be more readily brought to light by the unerring guide of Science than the accidental operations of adventurers; notwithstanding, the Committee must acknowledge that the enterprise of our citizens has done an incalculable amount of good, without the assistance of scientific examinations.

We will now leave the subject of the mineral character of the country, and make a few observations regarding the stratification of the Sacramento and San Joaquin valleys.

The influence of the stratification in determining the flow of water is a matter of much interest in many parts of the world, but nowhere of more than in California.

This is a subject which ought not to be neglected, in laying out the public lands in this State.

It is the opinion of the Committee, and also the opinion of scientific men who have examined the geological structure of the valley of the Sacramento and San Joaquin, that water can be obtained by means of Artesian wells.

Experience has demonstrated the almost certainty of procuring water by this means, in all valleys resting upon sedimentary formations, having a basin-shaped stratification and composed of beds, some of which are not too compact to admit the passage of water through or between them, while others are sufficiently compact to prevent the escape of the water filtering through such permeable strata.

Now these conditions are completely fulfilled in the valley of the Sacramento.

We have sufficient evidence that the beds of conglomerate sandstone and clay which are seen to dip under the valley on its eastern slope, are the same which rise out from beneath it on the west; and if the basin of London water will flow to the surface through Artesian wells of one hundred to fifty feet deep in how much greater quantity may it be expected to flow beneath the clay beds under this valley?

It is reasonable to suppose, in view of the facts and inferences that this valley, so much denounced by disappointed seekers after gold, will, if the



means already spoken of for procuring supplies of water be generally resorted to, become exceedingly productive. As such a large portion of it is public lands, the Government should be foremost in adopting measures to improve their value, by the means proposed.

The Committee will state, before closing this part of the Report, that it must be understood that they do not assert that the Artesian method of obtaining water in all places in the valleys of the Sacramento and San Joaquin will hold good.

There are many places where the geological structure forbids the hope of obtaining water by such means, and this may be the case in the highlands.

It remains for the Geologist to point out such localities, and it is for this that the Committee strongly recommend the resolutions to the favorable consideration of Congress.

JACOB R. SNYDER,

*Chairman of Committee.*

PREAMBLE AND RESOLUTIONS ACCOMPANYING THIS  
REPORT.

*Whereas*, The great importance of a thorough Geological and Mineralogical Survey of this State is becoming more apparent every day, and the want of correct information and reliable data, relative to the general character and formation of the earth's structure in the mineral regions is evident. The time is not far distant when efforts will be made to obtain water in the dry diggings by sinking Artesian wells, which will be attended with great expense; too great for any individual to attempt, particularly where uncertainty regarding successful results may be expected. Therefore, be it

1. *Resolved*, By the Senate and Assembly, That our Senators and Representatives in Congress be instructed to urge the passage of an Act, by Congress, for a Geological and Mineralogical Survey of the Mineral Lands in this State.

2. *Resolved*, That at the time that the Survey is made, experiments be made also in sinking Artesian wells, to obtain water in the dry diggings.

3. *Resolved*, That should the experiments of sinking Artesian wells prove that water may be obtained in sufficient quantities for mining purposes, that the General Government immediately commence a system of operations to obtain supplies of water in all parts of the State where it is required.

4. *Resolved*, That in the opinion of the Senate and Assembly, a reasonable tax would be paid by miners for the use of the water; sufficient to pay the interest on the money invested in the undertaking by the General Government.

5. *Resolved*, That a practical miner, thoroughly versed in the business, accompany the Geological and Mineralogical Corps.

6. *Resolved*, That copies of these resolutions be furnished our Members in Congress.

# MESSAGE OF THE GOVERNOR

TRANSMITTING CORRESPONDENCE BETWEEN HIM AND

DELEGATION IN CONGRESS

IN

REFERENCE TO EXEMPTING U. S. PROPERTY IN THIS  
STATE FROM TAXATION.

EXECUTIVE DEPARTMENT, }  
Sacramento City, March 17, 1852. }

*To the Senate of the*

*State of California:*

In compliance with a resolution of the Senate, adopted this day, requesting the Governor "to transmit to the Senate such correspondence as may have come to him through our delegation in Congress, in relation to the exemption from taxation of certain United States property in this State." I have the honor to transmit, herewith, a communication from our delegation in Congress. The communication urges the importance of passing an act giving the consent of the State of California to the purchase, by the United States, of land within this State, for the purpose of erecting thereon, Armories, Arsenals, Forts, Fortifications, Navy Yards or Dock Yards, Magazines, Custom Houses, Light Houses, and other needful public buildings or establishments; and that the parcels or lots of land so selected or purchased for the purposes above mentioned, together with the necessary tenements and appurtenances, to be held exempt from taxation by the State of California.

JOHN BIGLER.

Washington, January 19, 1852.

TO HIS EXCELLENCY, THE

GOVERNOR OF CALIFORNIA :

*Sir :—*

In consequence of the distance of our State from the seat of the General Government, it becomes our duty, by a provident foresight, to guard against any disadvantage, delay, or inconvenience to the interests of California for the want of a timely or concurrent legislation on the part of our State, where necessary, to prepare the way for improvements on the part of the United States within our boundaries. These improvements are for the safety and convenience of navigation and commerce—for the protection of American seamen, and for the defence of our State and its inhabitants, as well as the interests of the whole country from the savage foe and foreign enemies, should such unfortunately arise. These improvements must sooner or later be made, and we hope to be able at the present session of Congress, to obtain the passage of acts providing for several of them—such as the establishment of a Navy Yard in the Bay of San Francisco, and several other indispensable establishments.

These acts may, however, be passed too late to arrive in California before the adjournment of our Legislature, upon whose acts the commencement of some of these improvements may depend ; as in the case where it may be necessary for the United States to purchase lands from individuals or companies as sites upon which to make such improvements ; which cannot be done, according to the Joint Resolution of Congress of the 11th September, 1841, until “the consent of the Legislature of the State in which the land or site may be shall be given to said purchase.” This provision is in conformity with the 17th clause, 8th section, and 1st article of the Constitution of the United States, and we have caused to be prepared, by an officer of the government conversant with such matters, the form of an act suitable to be passed by the Legislature of our State upon the subject. This form we have now the honor of transmitting to you, with a view of its being, in such manner as may be most agreeable to yourself, brought to the notice of the Legislature, and, if consistent with their judgment and pleasure, and approved by your Excellency, passed into a law.

The title of this act would be “an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes.” This you will perceive, expresses but one object ; and although several items to be embraced by this act are referred to, still there is but one object, which is the consent of the Legislature, that the United States may purchase land for the purposes stated. The recording of the titles, &c., being only incidental to that ob-



ject. This is much better than to have these improvements delayed by waiting, in some cases, for the meeting of the Legislature ; and much better than to trouble the Legislature in every case, to pass an act to give its consent, in detail, to purchase sites for Light Houses, &c., &c. This act we, therefore, conceive to be in accordance with the Constitution of our State, which requires by the twenty-fifth section of the fourth article, that "every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title."

Respectfully,

Your obedient servants,

(Signed)

JAS. W. McCORKLE,  
EDWARD C. MARSHALL,  
WM. M. GWIN.

MINORITY REPORT  
OF THE  
SELECT COMMITTEE  
ON

SENATE BILL, NO. 63, FOR "AN ACT TO ENFORCE CONTRACTS AND OBLIGATIONS TO PERFORM WORK AND LABOR."

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*Mr. President:*

As a member of the Select Committee, to whom was referred the Senate Bill, No. 63, for "Contracts for Foreign Labor," dissenting from the opinion of the majority recommending its passage, with certain amendments, I respectfully beg leave to state a few objections I entertain as regards its utility, propriety, and expediency.

The object of the bill is to introduce within the State of California, the cheap labor of Asia and the Pacific: for, from their proximity, it would first overrun our land—then every other portion of the globe is invited to follow their example. It provides for the enforcement of contracts made under it for a term not exceeding five years.

Our State, thus far, has presented to the world the unprecedented example of labor, without any special legislation in its favor, and left perfectly free to find its rewards, with the few but just regulations made by the working men themselves; creating, within a few years, a greater amount of wealth, than the industry of any other people produced during the same period. The system which has led to this result, and which has invited to our shores the enterprising and industrious of all nations, if left free to its own operation, must continue to produce the same developments which have already marked our history, and which have added immense wealth to the capital of the world, while it has raised the thousands who have produced it to comfort and independence.

The necessity of passing a law of the nature of this bill, is the allegation that "labor is too high;" hence we are called upon to enact a law, by which the surplus and inferior population of Asia may be brought into

competition with the labor of our own people, as also of that of the parent races from which we sprung. The matter presents itself, in the first place, as a question to those who wish to employ labor—whether it be an advantage to obtain the labor of Asiatics, at the prices paid where population is superabundant, or increased only by the cost of transporting it to our shores : or, whether they should pay the prices that it now freely commands among us.

The answer that may be given to this proposition is doubtful ; for, if those employing labor contemplate a permanent residence amongst us, there are many considerations superior to their immediate interests, which ought to dictate their answer. The capitalist who can employ a hundred laborers under this bill, can enjoy no greater privilege than other capitalists who may engage a similar number ; and the competition between them, no matter how cheap the labor they employ may be, will reduce their profits to the lowest point at which wealth can draw from Asia, or elsewhere, swarms of its starving population.

The speculations which would occur under this bill, would present a strange contrast. Labor, under a law of this State, would be made cheap, and the capital employed under it unprofitable ; for, if it became a law, provision ought to be made, that those introducing this labor should provide asylums and hospitals for its support ; that imprisonment for non-performance of contracts should be at the expense of the complaining party ; and surely should be required that in no event should these laborers become a burthen upon the State.

If such a system be carried out as is required, with due regard to the protection of our own people, it may become a question of far greater importance to the capitalist than dollars and cents, that the quality and not the number of the population be appreciated by those whose wealth and happiness exist in their best relations ; where there is security and general prosperity ; conditions existing only where capital and labor are placed upon a just equality—the law giving both equal freedom and protection.

Thus far, the few remarks made in reviewing this subject have been in connection with its effect upon capital. The question now occurs, what would be its influence upon labor ? In this relation we shall also view the subject as a question of dollars and cents.

Thus far, the mines have been open and free to the labor of the world, and they have been so productive that hardly a law has been needed for their regulation. This state of things has assembled in California people of every race and clime—of every tongue and creed—some entitled to work our mines upon the same terms as our own people—for reciprocal justice gave them the right to claim it, while others were entitled to no such privilege ; yet they formed, perhaps, a majority of the foreign miners, and drew from our soil a greater quantity of the precious metals than our own citizens.

This led to the cry that foreigners, as such, ought to be taxed ; and as

a concession to public clamor, a law, unjust, unconstitutional, and indiscriminating, was passed, prohibiting foreigners, without a license, from working upon lands belonging to the United States; whereas, by the solemn faith of our Government, as pledged by treaty stipulations, various people have as much right to work those lands as to breathe the air in which we live. The effects of this law increased in no manner the productions of our own citizens, while in the trading towns it had a serious and injurious effect upon commerce.

With "free mines," for every one to work them, the wages of labor have kept at a higher rate than is paid in any of the Atlantic States, and its effect has been to bring here thousands from every State in the Union. No law, therefore, ought to be passed, giving any one the command of labor at lower rates, or for longer terms, or with greater power than now prevails. No indiscriminate prohibitions should be made against foreigners, (as such, for the governments of many of those whom we might desire to exclude, place American citizens upon an equality with themselves. As regards the Chinese, we are not permitted to enter within their walls. There is, consequently, no obligation on our part to give them the freedom of our mines. At the same time, a ruinous competition should not be forced upon the people of this State, by bringing servile labor to contend against the interest of our own working classes.

That population form the majority of our people; it is they who are to uphold, upon the shores of the Pacific, that Government and its principles which seem destined to make the circuit of the globe.

When, under this bill, Asiatic labor shall take its march to our State, the low price at which it can be brought, renders necessary that some restriction be imposed as to what branches of industry it shall be confined; for we must have a population of our own race, sufficiently numerous to control it, and not depending upon the same pursuits in which this servile labor may be employed.

The mines and public lands are, by the policy of the General Government and our own laws, the inheritance of the people. We have provided that homesteads shall be exempted from sale, and that ample funds shall be provided for educational purposes. Thus far, the ground-work for raising an intelligent and independent class of laboring citizens has been laid, and we should not degrade our work by placing the labor of their hands upon an equality with that of bondsmen.

I apprehend that this is the first time that a bill for obtaining "cheap labor" has ever been introduced into a State, the majority of whose people, directing the government, live by the toil of their own hands. If there be a necessity for its introduction, it should be under such enactments as to prevent its competition with the labor of our own people. It cannot be expected that a law of this character shall be passed, opening every branch of labor to a competition which exists only by virtue of the law, without directing that it shall only be lawful to employ such laborers in industrial pursuits not now followed by our people.



There is ample field for its employment in draining the swamp lands, in cultivating rice, raising silk, or planting tea. Our State is supposed to have great natural advantages for those objects; but if these present not field enough for their labor, then sugar, cotton and tobacco invite their attention.

For these special objects, I have no objection to the introduction of the contract laborers, provided they are excluded from citizenship; for those staples cannot be cultivated without "cheap labor;" but from all other branches I would recommend its exclusion.

I do not want to see Chinese or Kanaka carpenters, masons, or blacksmiths, brought here in swarms under contracts, to compete with our own mechanics, whose labor is as honorable, and as well entitled to social and political rights as the pursuits designated "learned professions."

The Senate bill is not sufficiently guarded in its provisions to operate as a system for the government of the races it seeks to bring here; and it will throw very serious burthens upon the treasuries of every county. They are to be punished for refusing to labor—yet would receive from the State as good rations and clothing as those given by their masters. In return, they are to be employed upon the public works; an advantage not at all proportioned to their cost, for in no State has the earnings of criminals ever equalled the expenses of conviction and support.

We have had some experience of the policy that foreign governments have pursued under our emigration laws, in burthening us with many of their paupers; but we were able, to a certain extent, to protect ourselves.

Under this bill, however, we are left unprotected against the vicious of the Celestial Empire, whose artful rulers could easily send to our shores, not only their paupers, but their criminals.

Estimating the prevalence of crime in China, by population as compared with other Governments, and allowing for the effect of causes which lead to crime, the number of criminals, at the lowest estimate, cannot be less than five hundred thousand, and this too, under a system of punishment noted for its severity and certainty. To prevent the influx of this population we are unprepared, and no attempt to do so could be successful. Our people are not permitted to go within the walls of China, and it would be a labor of Sisyphus to expect our ministers and consuls to be able to ascertain whether the masses seeking our shores, were from the distant provinces or prisons of China.

A government as skilled in tact as is that of the Celestial Empire, could not fail to perceive the advantage of permitting its criminals to emigrate; for it could raise an immense revenue from their exit and relieve the treasury from the burthen of their support.

From the corrupt conduct of the Chinese officials in the opium trade, if it be to their advantage, we may expect that every malefactor in their prisons will be sent here as contract laborers.

It may be asked, why criminals have not come among the portion already here? It is because that population has been selected by persons in China, whose contracts are made with their people there. Mothers and children are held as hostages for their fulfillment; and if this system has worked well, it is, perhaps, owing to the limited number coming.

In connection with this emigration, however it might be proper to consider the physical effects of the commingling of the people of Asia, Africa and Europe. Some hybrid races are very short lived—others are subject to diseases of the blood—and others still to diseases of the mind. With a population of so mixed a character, exposed to influences we cannot yet properly appreciate: we might permit to germ a pestilence as foul as the leprosy or the plague, with the howlings of insanity, to devastate the land.

Every government that has legislated upon the subject of labor, has endeavored to do it with the view of finding employment for its people, and of elevating their character. Any attempt to degrade it, or to deprive honest men of work and food, increases crime, poor-houses, and prisons, and throws on capital the burthen of their support. Our government has attempted to prevent the introduction of paupers and criminals. It has raised a revenue upon the productions of foreign labor, that incidentally would prevent a ruinous competition against our own people. If any of our State governments, however, choose to pursue a different policy, they can pass contract bills like the one we have now under consideration, and it would virtually abrogate that system of incidental protection extended to labor even by revenue duties. The loss resulting from such a course cannot be estimated in money, for the moral effect of our institutions would be destroyed. An American, living by the toil of his hands, would exercise a labor as degraded as if employed within an alms-house; for if we reduce wares to poor-house rates, it is as degraded as if performed within one of those institutions!

I refer to the annexed paragraph of the "Sacramento Union, March 20, 1852," to show the rates at which this labor can be brought here:

*"A Profitable Speculation.*—The ship 'Brandt,' Capt. Thomas, lately arrived from Hong Kong, brought from the celestial dominions no less than three hundred and sixty-nine passengers. The passage money received was upwards of forty thousand dollars, and although the vessel was ninety days in making the voyage, the total cost of feeding the Chinamen, from the day of their departure until that of their arrival, amounted to but *four dollars and eighty-three cents to the man!*"

And from the Penal Colonies of the Pacific, discharged convicts could be brought here at as low rates.

The policy that the General Government has pursued in its relations with the nations of Europe, and the liberal manner in which it has received the exiles of every clime under the protection of its laws, have

produced, wherever our flag has been unfurled, or wherever our citizens have wandered, a feeling of confidence in our laws, that would induce thousands of these toiling millions to contract for their labor with Americans; for they have some reason to expect that their rights would be protected by American tribunals.

In every European port there are swarms of "Harpies" and "Shylocks" engaged in the passenger business, who could easily persuade the confiding masses that this American bill was in consonance with republican principles. Our ministers and consuls in foreign lands are generally viewed with far more respect by the masses than are their own authorities; and, from the fact of their being made witnesses to these contracts, their intent and object would not be properly appreciated.

A system, like the one proposed to be introduced into California, exists in no part of Europe, if we except Russia. The people of France, of Hungary, Poland, or Ireland, have received too many proofs of American sympathy, to imagine that in committing their destinies to the laws of this republic, or to those of any of its members, that there exist enactments of a character more despotic than those from which they seek to escape.

The hopes of the republican world have been seared by the retrograde movements of France; but there, despotism has not thought of making one white man the *serf* or *bondsman* of another, or of giving to capital, for the term of five years, the *hand and heart of labor*. Our population is increasing fast enough. There are thousands on the Isthmus awaiting transit, and it is far better that we have a small and choice population, rather than an inferior and servile one. The laws of the United States admit foreigners, after a declaration of their intentions and a certain residence, to become citizens; but the people who would willingly doom themselves to bondage, under this Bill are not deserving of this privilege; or if they do it from ignorance, it provides no chance for their redemption. In either event, however, we are providing for a swarm of Helots, with the title of freemen and citizens.

The apparent object of the Bill is to place foreign labor at the disposal of our own people, in order that if foreigners earn money, it may be for their masters. The amount of money is of little consequence, compared with the degrading effect of any law, that, to deprive them of their gain shall make their labor inferior, by law, to capital; and give to the latter a more than feudal right to dispose of their persons and happiness.

I am opposed to any enactment that seeks to place burthens upon, or to doom to inferiority any race of men who have no other disability to become citizens, except residence. At the birth of our Republic, various races of people were represented by distinguished men, some of whom died at the head of American armies, leading as generals the troops of our infant colonies. The descendants of these men, if this Bill pass, can be held in bondage, and American ministers and consuls can be called upon to witness the chains that bind them. The condition of Europe does not permit her masses, as free agents, to judge for themselves—their claims



for redress are answered by consigning them to dungeons and chains—their villages are given to the fire and sword—and bondage in our own land, if presented as an alternative to famine and pestilence in their own, might be readily preferred. The tyranny which has driven Kossuth to our shore, has driven millions of humbler individuals to the same asylum. Could any native of Hungary who hears of the reception of their chief among the people of the United States, refuse to trust any law of our Union with the guardianship of his labor? Could any native of Ireland, whose hunger has been appeased by the supplies sent in national ships, when famine was devastating their unhappy home, suppose that vessels, bearing the same flag as those which brought them food, could revisit their land, to carry them, under the provisions of a bill like this, into exile and bondage? The masses of these races could not believe that an enactment of this character could lead to the effects which will certainly flow from it; and they would willingly believe that the remarks made against the law, were made by the enemies of America.

In connection with the events now transpiring on the Atlantic, and which have presented to the public mind the question of intervention, the favor with which that doctrine has been received, shows how deeply, but yet unwisely our people sympathise for the masses of Europe. The circumstances for non-intervention have not changed; the advice respecting it, was given when France, our strongest ally, claimed our aid against the combined forces of Europe; and I hope that the advice of Washington may be a fundamental maxim of our Government; for there can occur no stronger claim than the one he decided against our ancient and faithful friend.

I now wish to express another hope, and it is that the advice of Jefferson may be a maxim of this Government as long as it exists. That patriot, by his residence in Europe, was well acquainted with the condition of its toiling millions. If in the course of centuries our Republic fall, I hope that among the principles that may survive its downfall may be one so cherished by that sage. For Americans, like the descendants of the Romans, may have to seek Republican institutions distant from the land of their birth. I do not recollect the words of Jefferson, but their import is explained in the inquiry "Is there no home on earth for suffering humanity? Shall we deny to those who fly from persecution, the asylum which the red men of the wilderness granted to our fathers?"

PHILIP A. ROACH.

SENATE, 20th March, 1852.



ANNUAL REPORT  
OF THE  
BOARD OF STATE PRISON INSPECTORS.

*To the Honorable, the Legislature :*

In part compliance of the law creating their office and prescribing their office, the Board of State Prison Inspectors have the honor to submit the following report :—

In the month of April, 1851, an Act was passed, entitled, “to provide for the securing of State Prison Convicts,” by which M. G. Vallejo and James M. Estill were constituted “ Lessees ” of the State Prison Convicts, together with the prison grounds and buildings, for the period of ten years from the date of its passage.

By accepting the terms of said Act, and filing with the Secretary of State, the bond therein required : in the month of December last, said lessees perfected their contract for the guarding, safe-keeping and maintenance of all State convicts, during the term aforesaid, in consideration of their labor, without cost, trouble or expense to the State.

By the law above referred to, the office of State Prison Inspector was created and its duties defined, and subsequently three Inspectors were appointed by the Governor and Senate. At their first meeting, the parties so appointed proceeded in conformity to the law to determine by lot their respective terms ; Mr. McDougal drawing the long term of three years ; Mr. Carpentier two years ; and Mr. McDaniell the short term of one year, from the 1st of April, 1851.

After organizing, the Board of Inspectors addressed communications to the Governor, and to the Lessees of the prison grounds, informing them of their organization and readiness for business.

The board met subsequently from time to time at Benicia, on the call of

the Governor, and adjourned without doing business, no prisoners having been received or arrangements for their safe keeping perfected.

No further action was had in the premises until, in the month of December last, notice was given by the Governor through the public newspapers, showing that M. G. Vallejo and J. M. Estill, by a compliance with the conditions of the law, had become lessees of the State prison grounds and labor, and requiring all State prisoners to be delivered into the custody of John C. Hays, at the City of San Francisco.

The Inspectors have subsequently addressed frequent communications to both the lessees and the superintendent appointed by them, asking for such statements of facts, and requiring such information as the law made it their duty to obtain. To none of these communications, however, until within the last few days, was a syllable received in reply.

They have also visited the jail at San Francisco; have inspected the grounds, cells, prison, &c., and interrogated the prisoners there confined, and are of opinion that no great abuses are permitted to exist which the lessees could easily remedy.

For further particulars of confinement, treatment and regimen, we beg to refer to a memorandum from the superintendent, herewith submitted, and marked "B."

By the Act referred to, the lessees are required to erect at Vallejo, suitable temporary buildings, or to provide and locate in that vicinity, suitable and secure prison-ships, for the confinement, health and security of convicts. No such temporary buildings have yet been erected, nor are there any in process of erection.

One prison-brig has been fitted up for the purpose, and moored near Angel Island, in the Bay of San Francisco, on which some thirty-five prisoners are now confined; the rest of the State prisoners are kept by the Sheriff of San Francisco in the county jail of that county.

By reference to the third section of the Act, it will be seen that the State impliedly covenants for the building of the permanent prison by the State itself. Without stopping here to inquire into the wisdom of a law affording such rare facilities for private advantage—an act contemplating heavy expenditures on the part of the State and income to individuals—we are of opinion, either that the law should be so amended, in a manner acceptable to the lessees, that they would undertake the erection of a strong and permanent building; or, that the Legislature should, without further delay, provide other ways and means for the building of a State prison, and the better securing of criminals.

In all civilized countries, the erection of secure prisons for the safe keeping of criminals, has been justly regarded as one of the first duties and chief cares of government, and in no State has early attention to this matter been more urgently demanded.

California, it is well known, is infested by hordes of the most desperate scoundrels, accomplished in every art of villany, and banded together in a brotherhood of crime. Convicts from the penal colonies, and outlaws from all parts of the world, have immigrated in numbers to this country attracted by the fable of our riches, and by the lust of plunder.

Notwithstanding the already exorbitant and burdensome taxes under which the people of this State are now laboring, it is confidently believed that every tax-payer would cheerfully meet an additional assessment, for an object so indispensable as this to the security of person and property.

By the accompanying documents, marked "C" and "D," taken from the files of the Assembly and herewith re-submitted, it appears that on the 10th of January, sixty prisoners had been received and were then in confinement. Several more have since been brought in. Out of this number twenty have effected their escape, of whom only seven have been re-captured. Seventeen escaped from Angel Island, having first overpowered their keepers, either by force or persuasion, and before the news of their escape had been communicated and the pursuit begun, they had gained so much time as to render their capture impracticable. A few were retaken, and the rest are now prowling about the State, committing new crimes and endangering the safety of our citizens.

It is but just to add, that the keeper and guards of the prison-ship, on duty, at the time the *stampede* was effected, were, as we are informed, promptly discharged by the lessee.

By reference to the sixteenth section of the Act above referred to, it will be seen that the lessees are prohibited by law from offering a reward of more than \$2,500, but that the requirements of the statute will be fully satisfied by the offer of a reward of six and a quarter cents for the re-capture and delivery of any number of escaped convicts. In the case to which allusion has just been made, "a liberal reward" was actually offered, an expression altogether too vague and ambiguous to induce men who value their own lives to attempt the capture of persons so desperate and remorseless in character as these convicted felons are known to be. In this particular the existing law will bear amendment.

And in this connection, we beg to call attention to the importance of the Magnetic Telegraph as an instrument of detective police. By the passage of some judicious law, giving proper direction and encouragement to private enterprise, a series of telegraphic lines would no doubt in a short time be constructed between all the most important localities in the State. A few seconds would then suffice for the transmission of intelligence to the farthest limits of the State, and by this means the detection of crime might be greatly facilitated, and the final escape of the criminal rendered almost impossible.

It is the *certainty* of punishment that gives efficiency to criminal legislation. Impartiality in trial, leniency in sentence, and inflexibility in execu-

tion, is a capital maxim of penal law. Let it be distinctly understood that detection follows close upon the commission of crime, and that punishment, however mild in its nature, is, nevertheless, as certain as destiny; and you have already done much toward the prevention of crime by directing to various branches of useful labor a portion of that restless talent which is equally capable for good or evil. But, on the other hand, if escape is to be counted upon with equal chances; if your prison doors are to be battered down by violence, or unlocked from time to time by artifice or money; if executive pardons are to be had simply for the asking, you may cram your statutes with laws threatening vindictive penalties—you may consume the time of your courts and juries in criminal trials—you may erect a gibbet in every town or village—and yet assassinations, robberies and violence will continue to increase alarmingly in our midst. To this *uncertainty of punishment* in our State we already owe many and weighty evils. It has caused a common distrust in the adequacy of Government and the Laws to afford protection; it has increased crime by the impunity with which it is known to have been committed, and has afforded a specious apology for those irresponsible organizations which have dared to usurp the functions of government, and in the sacred name of law to trample upon the laws.

By a judicious revision of the jury and criminal laws of the State, by reducing the number of purely arbitrary misdemeanors, and by more carefully proportioning the penalty to the gravity of the offence, it is believed that good order will be promoted and crime diminished.

The Board of State Prison Inspectors beg leave, in conclusion, to call attention, simply with reference to its bearing upon crime, to the expediency of prohibiting, by stringent law, the importation into this State of foreign convicts, or of *those other persons* belonging to alien and servile races, who, on account of color or from other causes, are excluded by the spirit of our laws from participating in the privileges and rights of citizenship. This, though a matter of less immediate than eventful importance, is, nevertheless, worthy of present attention. For awhile, no doubt, they may continue peaceable and obedient, but we submit whether jealousies and hatred will not inevitably spring up; whether they will not learn to detest and violate laws that patent their inferiority, until our jails shall be filled with their numbers, and the ingenuity of legislation be exhausted in devising coercive laws. We submit whether danger is not to be apprehended from the presence amongst us, in great numbers, of an ignorant and dependent *caste*, excluded from rights to the enjoyment of which all others may freely aspire, and yet, at the same time, exempt from that complete subjection to the will of another which can only result from the formidable relation of *master and slave*. From the Pelasgian races in Greece, to the free negroes of the United States, and the *peons* of neighboring republics, the degraded race have always needed the jailor and executioner, and been conspicuous for drunkenness, improvidence and crime.

During the past year, one commutation has been made from sentence of death to imprisonment, and twenty-one pardons for various offences have been granted.



Believing, from the evidence submitted to them, that one of the prisoners convicted and sentenced in San Francisco for the crime of grand larceny, was insane at the time of the act complained of, the Inspectors united in a recommendation to Governor McDougal for his pardon, which has since been granted by the present Executive.

All of which is respectfully submitted.

GEORGE McDOUGAL,  
WM. McDANIEL,  
HORACE W. CARPENTIER,  
Inspectors.

REPORT  
OF  
SELECT COMMITTEE

TO WHOM WAS REFERRED

THE MESSAGE OF THE GOVERNOR

IN RELATION TO

TAXES ON CERTAIN VESSELS, AND SUITS BROUGHT BY  
THE OWNERS OR AGENTS OF CERTAIN STEAMBOAT  
COMPANIES AGAINST THE SHERIFF OF SAN FRAN-  
CISCO.

The Select Committee to whom was referred the Message of the Governor in relation to Taxes on certain vessels, and suits brought by the owners or agents of certain Steamboat Companies, against the Sheriff of San Francisco County, have had the same under consideration, and respectfully submit the following report:—

Ships and other vessels trading within the waters of the State of California, come within the provisions of the revenue laws of the State, by which they are subject to a fixed rate of taxation. The Sheriff of San Francisco county, charged with the collection of the State revenue, in proceeding to execute this duty, has been sued in the District Court of the United States, sitting at San Francisco; and by a writ of injunction therefrom, has been restrained from collecting State taxes assessed against a number of Steamships, amounting to about twenty thousand dollars.—There are, also, many other vessels liable for taxes, and which will, probably, attempt to resist the payment upon similar grounds.

The parties claim to be exempt from any liability for such taxes, upon the ground that they are non-residents of the State, and that they pay taxes for the property in the respective States in which they reside.

The committee are not willing to concede this privilege of exemption, either upon the law, or the state of the facts. It is true that the laws of the United States, passed prior to the accession of California to the Union, have received an interpretation in reference, in part, to this subject, in several cases of a somewhat analogous character; but, taking into view the peculiar geographical and commercial relations of the State of California to the Atlantic States of the Union, and that these were not involved in any decision whatever, conforming itself to this condition of things, the question now raised may be considered as presenting new views.

The opinions of the Supreme Court of the United States were delivered anterior to the obtention of California, and before any change in the line of the coast of the United States, beyond that of mere extension. It was not then in the contemplation of the court, by the rules laid down, that a new State was to be affected, which was separated from all others, by vast plains and mountains on the one side, and on the other by one of the most extended capes of the globe, and a distance of twenty thousand miles.—The simple question was, then, founded upon the facts of the transient passage to and from certain ports on the line of the Atlantic coast, and an occasional continuance, at intervals, no matter whether long or short, few or many, of certain ships which were built and registered at ports to which they did not afterwards trade, but to which they could conveniently, and did often return; and might thus, periodically, come under the eye and hand of their actual owners, and be subject to their current orders, for almost every voyage. They might thus be said to enjoy the privileges and benefits of the ports at which they were built and owned. It was at those places they received their registers.

The material legislation, excepting the acts of the Confederation upon this subject, commenced in 1792, and passed through a period of years. Whatever were the pre-existing regulations to that date, are not understood to be applicable, or are they relied upon.

The States to whose ports such vessels traded, and in which they spent much of their time, having claims upon them for taxes unadjusted, made it necessary to fix some rule declaring who should exercise the right to tax them.

With this origin of the law, it is submitted whether the interpretation which may have been given to it, was not intended merely to conform to that state of facts, and whether a totally different state of facts, by a fair legal construction, ought not to obtain a modification of the rule laid down, to an extent necessary to enforce a more equitable policy of the laws?—They were caused by the circumstances as indicated; and ought not their interpretation be limited with a view thereto? The rules, whatever they are, as laid down, were not predicated solely upon the idea that the register and the residence of the owner did, necessarily of themselves, fix the home of the vessel, but that they were *made the evidences* of that home, as a place of rendezvous for its periodical refits and preparations, as long as it continued to be sea-worthy, or capable of being made so.—There were no other facts, in the history of that day, which were as fit to

fix and establish the home of the vessel. There was, under the then existing circumstances, no danger of fraud. That is to say, of such fraud as would deprive any State of its right and benefit of taxation.

The home, doubtless, was fixed with a view to the return of the vessel to the port of its ownership, not only periodically, but at will, and as the most probable place of its longest anchorage. It was not contemplated through all that period of legislation, nor when the opinion of the Supreme Court of the United States were expressed in relation thereto, that the home of the vessel was to be fixed without reference to the idea of its returning or not returning.

The laws which are relied upon to resist our right of taxation, are particularly applicable to a coasting trade. It is obvious, therefore, that what were considered as reasons for the returning of the vessel were, also, the reasons for making certain things *the evidences* for the home of it. Of course, the question of return may be taken as one of the main inducements to fix this rule. Otherwise, without either the intention or the probability of this event ever occurring, why should any home ever be fixed?—Under such a state of case, would it be necessary to the interests of the owner, or just to all others? If these views are correct, then does it not follow that the changed relations of the respective States, commercially and geographically, make the reasons for that rule nugatory? Are they not worthy of grave respect, and fully entitled to be urged in support of the interests of California?

The extension of the Revenue Laws of the United States over the State of California was made in good faith, and not with a view by its operations to cause any fraud. In this connection we may well ask, whether a law which, *per se*, works a fraud, is not in itself utterly nugatory?

The Committee maintain that there are no decisions which are applicable to the State of California, in relation to this power of taxation, which ought to be considered conclusive against her. Their application to us would almost seem to be a sort of legal monstrosity, and would work at least, a *legal fraud*. Can this be done?

Besides, it is a proper inquiry here, whether the fact of the vessel intending never to return, does or does not, by reason of the actual fraud, cause a forfeiture of her privileged home under her register, and how far she becomes, *de facto*, a vessel of a different home? And further, can such vessel be exempted from the rules of inhabitation applied to objects of higher dignity, particularly where the effect would be fraudulent?—This state of things is surely new and entitled to investigation, especially when they put at stake some of our greatest interests.

In the interpretation of the law, we are well justified in distinguishing between the actual history of the period of the legislation upon that subject, and that of the present time. Between the States, *then*, there was so little difference in the rate of taxation that no temptation existed, to give to the law any fraudulent operation. Vessels would have been taxed



probably, about equally, in the states of Pennsylvania, New York, Massachusetts and South Carolina. It is not so now, as to another, and a new State. The rate of taxation of California, is about four times greater than any State of the Union.

The moneyed capital of this State would, therefore, be tempted to a transfer to the Atlantic, to build ships there for service in our waters: and in partnership with others, they would be claimed for their owners there, and their registers would be there procured. In every case, it is reasonable to presume when it could be done without wilful perjury, that owners of vessels will always be influenced in finding their home by this consideration. But the Committee contend that the question may fairly be put for legal advisement, whether the actual and *bona fide intention* of the owners of such vessels can be wholly disregarded? The vessel is built and owned, or partly owned, in the Atlantic States; but with no other purpose than to bring her to California to remain to work out her days, and until she perishes. By the doctrine contended for by the recusant tax-payers in this case, she would never be subject to one cent of taxation here. Is not this of itself a fraud? Would it not be an evasion of our rights by a false pretence; and if the law is so interpreted as to protect that false pretence, what is that but a fraud? The true home of the vessel is California; but by a fraud, it is fixed elsewhere. If this is no fraud, then we have at length instituted a new doctrine, that there is a class of objects in relation to which frauds cannot exist, although they have growing out of them all the interests usually affected by that odious badge.

The Committee, however, entertain the opinion that, the distinction is sufficiently variant between that and a mere wrong, to justify our subjecting it to the scrutiny of the strictest legal investigation. If it shall be ruled, that in such cases, the intention of the parties shall not be allowed a place or consideration, then they are unable to perceive by what other designation than that of *legal fraud* they can be classed. *The principle involves more than a naked wrong.* The transaction has connected with it all the attributes of fraud—false motives, false pretences, false interests, and false action. This is not half of what may be said.

The ports of California are not far from the distance of one quarter of the globe from Boston and New York, and half way between them and their antipodes. They are by navigation distance, three-fourths of the way. Their ships which come here and engage in the trade of our waters, do it with no intention ever to return. It is a farewell leave of the fatherland, when the signal of departure is made. It is in fact no longer their home, nor can be. It is a separation forever.

In former days the coasting trade was a very different affair. The mind to return was always there. Without this there could have been no reason nor meaning in making the home of the vessel the residence of the owner. If a different principle is to be directed upon us, in the construction of the laws on this subject, it will result in that of a *legal fraud* in its worst forms, and most pernicious consequences. It would deprive us of one of the largest and most valuable sources of our revenue.

the United States, we say the scheme, if consummated, will be the crowning wrong of all our grievances. Such is the sense and feeling of a sovereign State, in contemplation of the past, and looking to the future, calm and indignant. Our fathers resisted a paltry tea tax. From us, the right to our own taxes is to be torn, if not by the hand of violence by laws not less odious, and founded in a state of things which makes them, under the construction contended for, against us, alike unjust and unequal. Nor is it strange that this should admonish us, forcibly and painfully of the past, and superinduce a demand for such legislation as will place the question of our rights and powers beyond the temptations of cupidity, the strategies of fraud, and the subtle technicalities of any oppressive interpretation of the laws.

Although we do not, as we have already declared, concede our rights in regard to this question of taxation, we think it wise and prudent, while we endeavor on the one hand, to enforce them by all legal means, on the other, to call upon Congress promptly to apply the remedy, which will leave no cause of complaint from us, and no room for injustice against us.

To this end we think we have a right to demand immediate action from all our American brethren, and the most zealous co-operation from our Senators and Representatives in Congress.

To carry out these views your Committee have unanimously agreed upon certain joint resolutions addressed to our Senators and Representatives in Congress, and have also directed a Bill to be reported, giving to the Governor certain powers, for the purpose of maintaining our right of taxation in the cases under consideration.

The Committee respectfully report the Resolutions and Bill, and recommend their prompt adoption.

A. ANDERSON, *Chairman*,  
GEO. B. TINGLEY,  
H. E. ROBINSON.

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*Resolved*, By the Senate and Assembly of the State of California—That our Senators in Congress be instructed, and our Representatives be requested to obtain the passage of such a law by Congress as will better regulate the right of taxing ships and all other vessels trading within the waters of the respective States, so that every ship or vessel trading exclusively for twelve months within the waters of any State shall, during said period, be subject to be taxed by the said State, and not by the State where such ship or vessel is built, and where the certificate of registry is first granted. And that the said law shall provide that every ship or vessel going to any port or ports in any State with a view to trade exclusively, for twelve months or longer, within the waters of said State, shall be entered at the custom-house of said port, her former certificate of registry cancelled, and obtain from the proper officer of the Government of the United

States another registry and certificate thereof; and in all cases in which any ship or vessel shall be engaged in such trade for twelve months it shall be liable to be taxed by the State within which the said port or ports are. The provisions of such Act to extend to all ships or vessels trading exclusively between any port or ports of said State, and any foreign port, or exclusively within the ports of any State, for twelve months. *Provided*, that the said ship or vessel shall not be subject to any other tax within the said year, in any other State of the United States.

## REPORT

OF THE

## COMMITTEE ON PRINTING,

TO WHOM WAS REFERRED

SENATE BILL NO. IV, AND SENATE BILL NO. XXIV.

MR. PRESIDENT :

Your Committee on Printing, to whom was referred Senate Bill No 4, and Assembly Bill No. 24, having had them under due consideration, and having devoted much time to the consideration of various plans which have been suggested for executing the Public Printing, beg leave to report the accompanying bill as a substitute for the two above mentioned bills—believing that, in so doing, they are promoting the true interests and welfare of the State, and that the system they recommend is the present policy of the Government. The foundation of the system of letting out the State Printing by contract, and guarding the State against imposition, and insuring promptness and skill in the execution of the work to be performed by the contractor, is based upon the subsequent facts and reasons.

The Public Printing has been given out by contract in many of the older States of the Union. There have doubtless often been abuses under such contracts ; the whole system has even been repudiated in one or two instances, in consequence of the bad faith or inefficiency of contractors. This was not because the principle of contracting was wrong or bad, but because the laws, by which the contracts were created, were not sufficiently guarded. The same evil has frequently attended contracts for other kinds of work besides that of Printing. If a contract cannot be drawn, under which the Public Printing can be well and promptly executed, then it follows that no other kind of work can be given to the one who offers the best terms, without the same objection. But if it is proper for the State to receive proposals for erecting public buildings, for furnishing stationery, or for other supplies of a public nature, your committee cannot find any good reason



why the same principle should not apply to the Public Printing. The conclusions arrived at above, are the result of much reflection and patient investigation.

Your committee have had means of learning the plans adopted for executing Public Printing in a large number of the States of the Union, and have sought to place such facts before the Senate as will enable California to profit by the experience of other States. In nearly all the older States of the Union, the first plan adopted for doing Public Printing, was to elect a State Printer, define his duties, and fix his compensation. Numerous evils have attended this system in many quarters : and within a few years the contract system has been introduced into the States of Maryland, Ohio, Illinois, North Carolina, Michigan, Vermont, Wisconsin, New York, Iowa, and Massachusetts ; being States in which much the largest amount of Public Printing is required ; and it is a remarkable fact, full of significance, that the credit of every State where the contract system has prevailed any considerable length of time, is at par, and the finances in a sound condition. In some few States where the contract system prevails, the laws under which printing has been done, have been loosely drawn, giving opportunity for abuses. In other States, under more careful laws, the system has proved highly satisfactory. Your committee have read letters of Secretaries of State from nearly every State in the Union where the contract system prevails, and from such letters have obtained the information which will be found in the following paragraphs :

The Secretary of State of Maryland says :—" The contract system for doing the Public Printing has been found the best and most satisfactory in this State."

The following sentences occur in a letter from the Secretary of the State of Illinois :—" In this State the contract system has been adopted in pursuance of a Constitutional provision, and has now been in force about two years. It is believed that the operation of the system is likely to prove satisfactory."

The Secretary of State of Michigan states that the contract system has prevailed but one year in that State, and that sufficient time has not elapsed to enable him to express an opinion as to the merits of the system.

The following is the statement of the Secretary of State of Vermont :—" The printing of the Laws and Journals is done in this State by giving the work to the lowest bidder. In some instances this has produced wretched work ; but latterly, the officers who decide on the bids, exercise a pretty large discretionary power in giving the contract, so as to secure good work and prevent cheating."

The contract system has prevailed in New York since 1846 ; and to show how it has succeeded, the following quotation is made from a letter written by Christopher Morgan, Esq., Secretary of that State :—" Since the passage of the law of 1846, the Public Printing has been done at a

very considerable reduction of cost. I have no doubt that a great saving to the State is made by allowing competition and giving contracts to the lowest bidder. With proper provisions the contract system will, I think, secure the best work, and with the greatest economy."

In Wisconsin, the new Constitution requires the Legislature to give the Public Printing to the lowest bidder; and from the haste and bad judgment of the first Legislature, under the new Constitution, such a system was adopted for doing the Public Printing, as gave rise to various complaints. Instead of passing a stringent and comprehensive law such as control the contracts in New York and Massachusetts, the Legislature of Wisconsin divided the State Printing into three classes and employed three contractors, each living in a remote and different part of the State. These Public Printers acted independently, and appear to have done pretty much as they pleased. Under such circumstances, the work was not well done, nor in due season; and as the contractors were not placed under such bonds as made them liable for damages, the State necessarily was the sufferer. This is an instance where loose legislation has led to abuses of the contract system for executing the Public Printing. It proves that Wisconsin became a party to a bad contract, and suffered the consequences; not that a different kind of a contract might not have been highly beneficial to the State.

Your committee have referred to the plans adopted in other States for executing Public Printing, because it is a common argument with those who favor giving the printing of our State to some favorite, to say that the contract system has failed in almost every State where it has been tried. Such is not really the case. Some few States have, at times, doubtless contracted with irresponsible men to do their printing, the same as has been the case in regard to contracts for other public work. So also have many other States had cause to complain where the Public Printing has been done by an officer elected for that purpose; for, after all that may be said to the contrary, a State Printer is in many respects, a contractor. His duties are simply the execution of a job of work, and whether he does it as an officer or a contractor, it does not alter his capacity for doing what may be required of him. In either case there may be abuses. If the law is not properly guarded, a State Printer will be just as liable to take advantage of any defect as a State contractor. Your committee believe the evils which California has suffered thus far, as the result of having a State Printer, are immeasurably greater than would have been, had the Public Printing been given to the lowest responsible bidder.

The "bill for an Act to provide for the Public Printing," which accompanies this Report, is drawn with great care, and is believed to be sufficiently explicit to prevent the possibility of its provisions being misunderstood. Every precaution has been taken to close every loop-hole whereby a contractor might seek to get advantage against the State. A careful reference has been had to laws under which contracts have been entered into in Massachusetts, New York, Maryland, North Carolina and Ohio,—States where the contract system has proved entirely satisfactory. The provisions of the accompanying bill have been found sufficient to protect the States just men-

tioned from imposition ; and your committee believe no abuses will be complained of in California, should the bill become a law, and contracts entered into for executing the State Printing, in accordance with its provisions. Should the bill herewith submitted, become a law, it will place the Legislature of our State above the charge of being influenced by a spirit of favoritism, which cannot be the case, if patronage is to be distributed as a reward for partisan services.

The object of your committee is to encourage the working man rather than the politician : to maintain, in its true sense, the "dignity of Labor," instead of showering, undeserved, the resources of the people upon some favorite of the lobby.

There are numerous objections to perpetuating the existing system for Public Printing in this State. Experience has shown that, whenever there has been a prospect of filling the office of State Printer, nearly every newspaper in the State has put forward a candidate for the *profits* and *honors*. The result of this rivalry among members of the press is too apparent. During the continuance of each session of the Legislature, newspapers have been vying with each other, to see which could win the approbation of the greatest number of members, and thus secure a majority of votes, and the award of patronage enough to place it above all rivalry. Under such circumstances, it will be thought strange, however lamentable the fact, if a large portion of the press has been afraid to boldly proclaim its sentiments ; but, on the contrary, has neglected to use such influence as it might have had, on legislation. In times now happily past, "Water Lot Bills," and other magnificent schemes of a kindred nature, have come up and been decided, and the usually high toned press appears to have been awed into silence.

But the people of California will derive no benefit from paying a State Printer enormous profits for executing the Public Printing, when they can have the same done equally well, in all respects, under a system thrown open to competition. Irrespective of all other considerations, your committee apprehend that the best policy to pursue in regard to the Public Printing, is that which will cost the least to the Treasury. A certain amount of printing must necessarily be done. It matters not to the people who does the work, so that it is well executed in due season.

Thus far, the State has required but a very small amount of printing—simply the Laws and Journals of each Legislature, together with a little incidental work. The reports and decisions of the Supreme Court, which are nearly as important to the people as the Acts of the Legislature, and more important than the Journals, are unpublished to this day. Yet this small amount of public printing has cost the State more, each year, than the entire expense of sustaining the Government of either of the States of Florida, Alabama, or Indiana. Your committee find it has already cost, for Public Printing, during the short time California has been a State, the extraordinary sum of *two hundred and fifty-six thousand, six hundred and twelve dollars and forty-eight cents!* Thus creating an annual expense of over



*one hundred thousand dollars!* while all the works in the State Library, published by authority of the State, are two volumes of the Laws and Journals. Considering the amount of work done, the printing expenses of this State have been truly alarming, and are entirely unprecedented.

From a standard work of high authority in statistics, your committee have ascertained the expense of Public Printing in many of the older States of the Union; and this Legislature will no doubt be surprised at the small sums elsewhere appropriated for this purpose, compared with the enormous amount expended in California.

Annexed, is a table of the sums paid, during the year 1850, for the Public Printing in those States in which that *item* of expenditure is expressly stated in their financial reports :

Maine, for all kinds of printing, including binding and stationery, - - - - -	\$2,500 00
New Hampshire, for all kinds of printing, - - - - -	2,951 50
Massachusetts, for printing and binding, - - - - -	16,717 16
Rhode Island, for printing, - - - - -	87 00
New York, entire amount expended for printing and binding, \$75,448 57; of which \$48,000 were expended in publishing Geological Survey and other extra work; leaving the expense of regular Public Printing, - - - - -	27,448 57
New Jersey, for Public Printing, - - - - -	5,219 59
South Carolina, printing, - - - - -	5,000 00
Mississippi, printing, - - - - -	5,323 00
Indiana, " - - - - -	7,471 22
Georgia, " - - - - -	6,000 00

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Total expense for printing, in *ten* States of the Union, during the year 1850, - - - - - \$78,717 84

Now, while it cost ten of the principal States of the Union the considerable amount named above for Public Printing in 1855, the State of California, alone, expended more than \$100,000 for the very limited amount of printing required by the first Legislature. Nothing further need be said, to prove that the most unheard of extravagance has thus far attended our department of printing. At least *one-third* of the Civil Debt of the State has arisen from this source; and unless a reform is had, and that soon, it is difficult to foresee the time when the State credit will be redeemed.

The contract system appears, to your committee, to afford the only practical means of thorough reform; for if the Legislature attempts to fix prices for the Public Printing, it must be guided solely by information derived from printers outside the Legislature—such information as will, doubtless, be furnished through interested channels. Your committee do not see the necessity of legislating in the dark, in regard to this matter; when, if the printing is left open to legitimate competition, the spirit of rivalry which



prevails among publishers, will be sure to establish prices at the lowest rates at which such work can be done.

Let estimates be made under any of the heretofore proposed plans, and no one will doubt but that proposals can and will be presented, reducing such estimate at least twenty per cent. on the lowest estimate.

Your committee believe that the accompanying bill is so drawn and guarded, that all the objections urged against the system it proposes, are entirely done away with; particularly the objection in regard to the Government never enforcing a contract advantageous to itself.

All of which is respectfully submitted, hoping early action will be taken on the bill.

CHARLES F. LOTT,  
Chairman of Committee.

COMMUNICATION

FROM COMPTROLLER,

WITH ORIGINAL PAPERS IN RELATION TO INDIAN WAR IN MARIPOSA  
COUNTY.

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*To the Senate of California :*

I have the honor to transmit herewith, all the papers now on file in this office, relating to the Mariposa War, still believing, however, that original papers, vouchers, filed and liquidated accounts for warrants outstanding, should be held by the officer under whose charge and safe keeping they have been placed by law, and who is responsible therefor.

Vouchers and original papers of this character are alike the protection and vindication of the officers of the expedition, those engaged in its settlement, the persons who may hold the outstanding indebtedness, and the State which has authorized said expedition, the manner of its settlement, appointed the persons to discharge this duty, and also authorized said issue of its indebtedness by solemn enactments.

In yielding, as a matter of courtesy, to the requirements of the Senate, I feel it my duty to state, in behalf of the Board of Examiners and myself, that in thus yielding, I feel absolved from all responsibility of their safe keeping, which is so necessary to the protection of the State as well as individuals.

With respect,

Your ob't servant,

WINSLOW S. PIERCE,  
Comptroller of State.

REPORT  
OF  
SELECT COMMITTEE

ON

SENATE JOINT RESOLUTIONS IN RELATION TO THE  
SWAMP LANDS.

The Select Committee, to whom was referred a Concurrent Resolution to authorize the Governor to employ counsel to appear before the Board of Land Commissioners, and before the District and Supreme Court of the United States, to advocate and defend the rights of the State to the swamp and overflowed lands in the State, against any inchoate or imperfect Mexican grant, that may be sought to be established for any of the overflowed or swamp lands in the State: having had the same under consideration, beg leave to submit the following report.

Your committee have devoted to the important subject submitted to them, all consideration compatible with the discharge of their other Legislative duties, required by this delicate and critical subject; but time will not permit them to present their views as fully as the importance of the subject and the interests it involves merits.

By the Treaty of Guadalupe Hidalgo, ratified and exchanged on the 13th of May, 1848, the private rights of all persons holding property in the conceded territory, (including the State of California,) are preserved inviolate. This treaty has become a part of the supreme law, and its provisions are as imperative as the Constitution. No subsequent legislation can overthrow a right they recognize.

Previous to the formation of this treaty, the Spanish and Mexican Governments had conveyed to their subjects or citizens, so as to vest, in them, the title to large tracts of land within what is now the limits of the State of California.

The estates conveyed were often conditional and subject to various restrictions and limitations; others were to continue only during the life of the grantee, and were not alienable; others were a mere possessory right for a specified purpose, to continue during the pleasure of the government.

Whatever may have been the tenure by which the lands were held under the Mexican Government, it is not changed by a change of the political jurisdiction of the country, but is preserved with all its incidents.

By the Act of Congress, approved September 28, 1850, entitled "an Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," it is provided: "that to enable the State of Arkansas (and other States) to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein; the whole of these swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said States."

The second section of the Act requires "the Secretary of the Interior to make out a list of the lands and a patent therefor, and transmit them to the Governors." Also that "the proceeds of the sale of said lands shall be applied exclusively, as far as necessary, to reclaiming such lands by means of levees and drains."

The third section provides that "when the greater part of a legal subdivision of land is wet and unfit for cultivation, it shall be included in the list; but when a greater part of a subdivision is not of that character, the whole shall be excluded."

The fourth and last section of the Act makes its provisions applicable to all other States in which swamp or overflowed lands may be situated.

This Act, your committee believes, vests *instantly* in the State, all rights before held by the United States in the swamp and overflowed lands within the State, but it cannot affect private rights then and before held by individuals for the same lands.

The grant is made to the States for a beneficial purpose, and receives a liberal construction. Its object is to secure the speedy reclamation of large tracts of overflowed and swamp lands, useless to the tillers of the soil, and deleterious to the health of the country.

Congress wisely believed that an end so desirable and necessary to the States, could be better accomplished by the States most interested therein, than by the General Government, or by the individual and divided exertions of small landed proprietors.

The Act is construed to include all lands subject to periodical overflow, by the influxes and currents from rivers. Lands of this description in the valley of the Mississippi pass by this grant, even though these lands



may be cultivated for a part of the year without levee or drain. But as they require such protection for permanent and the most profitable cultivation, they come within the spirit and reason of the Act, and pass to the States in which they lie, by virtue of its provisions.

The Act will doubtless receive the same construction, when its provisions shall be applied to the swamp lands in the State of California. By it the State acquires absolute control of the overflowed valleys of the many streams within her limits, except so far as they may be held by private persons: for these lands should all be protected from the rushing waters by permanent levees, and be drained by ditches, to fit them for uniform and permanent cultivation. When these valleys shall be so improved, they will add greatly to the productive wealth of the State, give employment to many thousands of laborers engaged in their tillage, and support in their productions, to millions of human beings. These overflowed valleys and alluvial swamps, from which arise noxious vapors destructive of health, will be converted into rich meadows, luscious vineyards, blooming orchards, and cheerful villas, where great multitudes, in the enjoyment of perfect health, engaged in their happy rural pursuits, will contribute their mite to advance the prosperity of the State and the magnificence of the nation.

The improvements necessary to perfect a system of agriculture, adapted to our soil and climate, and the condition of the country, should constitute one grand system, perfect in its parts on each river.

This improvement cannot be so systematically made, if the lands be first sold out, donated, or divided among many proprietors: for each would seek his own protection in his own way, not caring for his neighbor's safety. Such reasons must have induced Congress to donate these lands to the States, rather than to give them to individuals. They should induce the States to accept the donation, to be held in trust for the purposes for which it was given, and no longer than may be necessary for the accomplishment of these purposes.

Until the extent and boundaries of the lands so granted to the State shall be better known, it is not recommended to adopt any general system for their reclamation. These preliminary facts, it is hoped, may be known by the next meeting of the Legislature, when proper action may be taken in the premises.

By an Act of Congress, approved 3d March, 1851, entitled "An Act to settle the private land claims in the State of California," a Board of Commissioners is created to settle and adjust all claims to lands in the State, arising from Spanish or Mexican grants.

This Board is authorized to confirm or reject, as they may think just and proper, any and all such land claims as may be presented to them. The only parties that can appear before them are, the United States, by their attorney, on the one part, and claimants or their representatives, under Spanish or Mexican grants, on the other part. Either of the two par-

ties may appeal to the District Court ; thence to the Supreme Court of the United States. The decision of the Commissioners or of the Court, as the case may be, shall be final and conclusive between the parties aforesaid, but it shall not affect the right of any third parties who may claim interest in the same land.

The Act further provides, "that if the title of the claimant to such lands shall be contested by any other person, it shall and may be lawful to present a petition to the District Judge of the United States, for the District in which such lands are situated, plainly and distinctly setting forth his title thereto, and praying said Judge to hear and determine the same."

The Board of Commissioners have at length been organized under this Act, and are engaged in adjusting land claims. There have already been presented to them many claims which included in the boundaries claimed, as your Committee have been informed and believe, large bodies of the most valuable "overflowed and swamp lands" in the State. What their decision will be your Committee will not anticipate ; neither will your Committee venture to express any opinion as to the legality of any title sought to be established for swamp or overflowed lands in the State. Each must depend on its intrinsic merits, to be decided by a competent tribunal.

Policy might recommend the rejection, as far as possible, of all claims to overflowed lands, so as to enable the State to reclaim them as a *whole*, in the manner contemplated by the Act of Congress, and so as to prevent a monopoly of large tracts of the best lands in the hands of the few. But policy shall not prevail over justice ; and every fair minded man, your Committee believe, will unite with them in saying, every *bona fide* owner of land in the State will be amply protected in his right. But these rights *must* be ascertained by competent authority.

We have already shown by the Act of Congress first alluded to, that all the interest of the General Government was vested in the State for the purposes in the Act named. By the Act secondly alluded to, we have seen that this Board of Commissioners is created for the sole purpose of settling questions of disputed rights between the United States Government and claimants of lands under Spanish or Mexican grants ; therefore, if the Commissioners proceed to settle the title to swamp lands, it does so where the claimants are the sole party interested in the subject matter, authorized to appear before them. The proceedings will therefore be clearly *ex parte*; not binding on the United States Government, for that Government is not interested in the subject matter disposed of. Not binding on the State Government, for she is not a party to it. Neither can she appear before the tribunal that made it, by attorney, or otherwise. Moreover, the Act provides, (in 15th section,) that "the decision shall not affect the interests of third persons."

Notwithstanding this Act seems not intended to affect the rights of third persons, and so expressly declares, yet, in another section it provides, that "for all claims finally confirmed by said Commissioners, or by the District or Supreme Court, a patent shall issue to the claimant."

A Land Patent, by some judicial authorities of high repute, is held to be an instrument of so high a character that it cannot be disputed, except in a suit instituted by *scire facias* to vacate it. At least, it is *prima facie* evidence of title; and if wrongfully issued, it may benefit the holder to the injury of adverse claimants of the same land, and the Act will be made to affect the interests of the State; for if it cannot affect State interest herein, it will not benefit claimants.

The constitutional and regularly established Courts of the United States are the appropriate tribunals to settle questions like the present, and your Committee recommend a resort to them. They would recommend that an injunction be obtained in the name, and on behalf of the State, restraining the issuing of a patent on each grant, (if any,) that may by *ex parte* decision be confirmed, until its legality can be determined by a proper Court before whom all parties interested may appear. Your Committee would recommend that prompt measures be taken on the part of the State, to bring these important questions to a speedy and just decision. Their prompt settlement, where all interested may be heard, according to established rules, on principles of justice, would be of inestimable advantage to the State, and would give general satisfaction to the citizens. An *ex parte* decision, even though right, would fail to satisfy the public mind. Governments are bound not only to deal justly by all, but to satisfy the public that justice is done. Then law and order will triumph, and all good men will unite in support of a government from which justice in a pure stream ever flows. But if the public be not satisfied, by an open, fair and full investigation, that justice has been done the parties in interest, by a judicial tribunal possessing their confidence, and authorized to hear the parties, then discontent, opposition, anarchy and misrule, will ensue, to overthrow law and order, and destroy the bright hopes and fond desires of our citizens, who have found a home with us.

The Committee recommend the adoption of the annexed Joint Resolutions:

*Resolved, by the Senate and Assembly of the State of California, That the Governor be requested to use all practical efforts in his power, to ascertain the extent and boundaries of all lands granted to the State, by an Act of Congress approved on the 28th of September, 1850, entitled "an Act to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits." That he be requested to use all fair, legal and just means in his power, to prevent the General Government from issuing any patents for lands in this State, including overflowed or swamp lands, to any person, until the title or right thereto shall have been first established by the decision of a competent Court, established in pursuance of the Constitution of the United States.*

That he be authorized to employ counsel, and to take all other necessary means, to assert and maintain the right of the State to any and all overflowed or swamp lands, which he may have reason to believe from advice of counsel or otherwise, is the property of the State.

That, in the opinion of the Legislature, the Board of Commissioners

organized under Act of Congress, to settle private land claims, have no authority in law to settle and confirm the right to overflowed or swamp lands within this State.

That such lands are the property of the State, if not held by private individuals, in accordance with law and treaty stipulations; and controversies (if any shall arise) between the State and individuals, as to the ownership of these lands, can only be legally and constitutionally decided by the *Courts*.

That the President of the United States be requested to cause to be made such modifications of the instructions of the Land Commissioners, as may prevent them from acting upon or confirming the title to any overflowed or swamp lands in the State.

That the Governor be requested to forward a copy of the foregoing resolutions to the President of the United States.

All of which is respectfully submitted, by

J. H. RALSTON,  
DAVID C. BRODERICK.



OFFICIAL CORRESPONDENCE  
BETWEEN THE  
GOVERNOR OF CALIFORNIA,  
THE  
UNITED STATES INDIAN AGENTS FOR CALIFORNIA,  
AND THE  
COMMANDER OF THE U. S. TROOPS NOW IN CALIFORNIA,  
IN RELATION TO  
RECENT INDIAN DIFFICULTIES  
IN THE NORTHERN PART OF THE STATE.

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EXECUTIVE DEPARTMENT.  
Sacramento City, April 19, 1852. }

*To the Senate of the  
State of California:*

In compliance with a resolution of the Senate, adopted on the 12th instant, requesting the Governor to present to the Senate, copies "of any and all correspondence which may have been had between the Indian Agents for California and the Executive of this State, and also of any correspondence which the Executive may have had with the commander of the United States troops now in California, and any information which may be in his possession in relation to recent Indian difficulties in the northern portion of the State." I have the honor to transmit, herewith, the communications and the information required by the Senate.

JOHN BIGLER.

SACRAMENTO CITY, CAL. {  
 April 6, 1852. }

To his Excellency, JOHN BIGLER,  
 Governor of California :

The undersigned, Senators and Representatives from the counties of Trinity, Klamath, Shasta and Siskiyou, most respectfully represent to your Excellency, that the constant and continued depredations committed by the various tribes of Indians on the lives and property of our citizens, demand more prompt, efficient and constant resistance, than the citizens of this district are longer able to make, as a short review of the past history of this section of our State and the present alarming situation of our citizens will demonstrate.

Since the winter of 1849-50, the Pitt River Indians have been constantly hostile, and their incessant depredations and murders have been only occasionally checked by expeditions of the whites made into their country. All the other tribes, to wit: the Cottonwood, Trinity, Klamath and Shasta Indians have, in turn, been hostile since the first settlement by the whites, but it has only been within the last few months that there appears to have been a general combination among them of hostility to the whites.

From our own personal knowledge, and from information obtained from reliable sources, we feel satisfied that the following statements of losses, both in life and property, that have occurred in our section of the State, from Indian depredations, are considerably below the reality :

#### SHASTA COUNTY.

Number of whites murdered,	-	-	-	-	40
Amount of property destroyed and stolen,	-	-	-	-	\$100,000

#### TRINITY COUNTY.

Number of whites murdered,	-	-	-	-	20
Amount of property destroyed and stolen,	-	-	-	-	\$50,000

#### KLAMATH COUNTY.

Number of whites murdered,	-	-	-	-	50
Amount of property destroyed and stolen,	-	-	-	-	\$50,000

#### SISKIYOU COUNTY.

Number of whites murdered,	-	-	-	-	20
Amount of property destroyed and stolen,	-	-	-	-	\$40,000

These enormous losses have all been sustained by the people of a small portion of this State within a very few months.

The evil is increasing every day, as a more intimate knowledge of the whites makes the Indians more bold and reckless in their attacks. Already they enter our towns and villages at night, and steal, or set fire to property; the habitations of the industrious miners, while they are at their labors, are entered with impunity and robbed of their contents; the pack animals on which the miners must depend for their provisions, are either killed on the spot where found, or driven away to be roasted and eaten by the depredators. The people are compelled to travel from one portion of the country to another in companies well armed, to repel attacks.

It has been charged that the hostility of the Indians was superinduced by acts of injustice committed by the whites; as a general thing, we can state that, from our own knowledge, this has not been the case, and have no hesitation in saying that it emanates from the known character of the Indians, a mischievous disposition and desire for plunder. In but few instances have the first offences been committed by the whites.

This state of affairs cannot continue much longer. If that protection which every State should extend to her citizens is not soon granted to our people, they must either unite and exterminate the Indians in their neighborhood, or withdraw from it altogether.

To avoid a result so calamitous, but which is likely to become a matter of necessity, we call on you as the Executive of the State, to demand from the commander of the United States forces in California for troops sufficient to afford that protection and to punish the depredators; or if that cannot be done, then to order out the militia for that purpose.

Eighty or one hundred men, in addition to those proposed to be located at Cow Creek, properly distributed in bands of ten to twenty along Trinity and Klamath rivers, and always in readiness for service, would probably be sufficient; for the Indians now generally act in small parties. Although there has not often been much difficulty in repelling them, yet it has been almost impossible to follow them to their haunts to chastise them. Instances have occurred where miners have attempted this, and returned only to find their habitations despoiled of every thing valuable.

For these reasons, we now ask of you protection for the people of that portion of the State that has never yet received anything at the hands of the Government. Confidently expecting your speedy attention to the same,

We remain, very respectfully,

Your obedient servants,

J. W. DENVER,

Senator from Klamath and Trinity Counties,

R. T. SPRAGUE,

Senator from Shasta.

THOMAS H. COATS, Klamath County.

SAMUEL FLEMING, }  
E. D. PEARCE, } Shasta County.

GEO. O. McMULLIN, Trinity County.

EXECUTIVE DEPARTMENT,  
Sacramento City, April 8, 1852. }

To Brevet Brig. General E. A. HITCHCOCK,  
Commanding Pacific Division U. S. Army.

SIR:—I have the honor to submit for your examination, a letter addressed to me, to-day, by the Senators and Representatives, from the counties of Trinity, Klamath, Shasta and Siskiyou.

You will learn, from a perusal of this communication, that there has been a resumption of hostilities in the north, and that our fellow citizens residing in the northern counties are suffering the horrors of a predatory war. You are also presented with an aggregate statement of the number of citizens ruthlessly murdered in those counties by savages, within a "very few months" past. Annexed to this melancholy narrative is an aggregate statement of the value of property destroyed by Indians during the same period. The history of these troubles, as recounted in this dispatch, and in other papers before me, shows that the acts of these savages are sometimes signalized by a ferocity worthy of the cannibals of the South Sea. They seem to cherish an inveterate hatred toward the white race; and this is a principle of their nature which cannot be obliterated by time nor vicissitude. Perhaps, however, its intensity may be diminished by concession. Another infirmity of the Indian character of which we have incontestible evidence, is that their respect for treaty stipulations ceases at the moment when the inciting causes—self-interest, or apprehensions of punishment—are removed. The character and conduct of these Indians present an additional illustration of the accuracy of observations repeatedly made, that whites and Indians cannot live in close proximity in peace; and it seems to confirm the opinion expressed in the inclosed despatch, that an ultimate evacuation of the northern counties by the whites or the Indians, will be unavoidable.

In contingencies like these, a simple but imperative duty is imposed upon the Executive—to place the State in the hands of the General Government, and to demand that aid and protection which the guaranties of the Federal Constitution assure us we are entitled to receive. If the General Government is, then, neglectful of the demand which we make upon it; if it is unmindful of the duty which it owes to us, we have one other alternative—to fight our own battles—to maintain our independence as a sovereign but isolated State, and to protect ourselves from intestine troubles, as well as from the incursions of merciless and savage enemies. Although we have found it necessary to embrace this alternative hitherto, we have not forgotten our allegiance to the General Government; nor have I forgotten, that devoted citizens, who respect their private and political obligations, possess the most sacred and binding claims upon the fostering protection of Government. The interests of a Government and a people are mutually dependent; and there is a line of reciprocal duty upon which a continuance of their mutual relations and interests depends. The citizen cannot absolve himself from



his allegiance so long as he claims the protection of the Government, nor can the Government disregard the interests of the citizen in whatever quarter of the globe they may lie.

But, sir, it is my duty, however unpleasant it may be, to express my conviction, that adequate protection has not been extended by the Government at Washington to American citizens residing in California. I refer particularly to the fact, that the number of regular troops detailed for service in California, and on the borders of Oregon, have not been proportionate to the demands of the service. The mountain Indians, whose activity, sagacity and courage has never been surpassed by Indians on the continent of America, are untamed and unconquered. Collisions between them and American citizens have been frequent, and the number of victims sacrificed to this neglect is being augmented every day. The strong and decisive interposition of Government is now asked. If this reasonable petition is not granted, I am apprehensive that results will ensue which every true friend of the Government must deplore.

I deem it my duty to assure you that unless prompt protection is afforded to the citizens of this State by the General Government, I shall feel bound to resort to the only means left me to defend the frontiers and to conquer a lasting peace. A resort to these means will increase the debt of the State, and add to the burden of taxation imposed upon our citizens. To dispense with such a necessity, I indulge the earnest hope that you, as the military representative of the General Government in California, will exercise your authority to arrest hostilities, and to secure to us the blessings of a permanent peace.

In conclusion, permit me to suggest that if you have not at your immediate disposal a sufficient number of troops to detail for this service, and if you are authorized to state that the General Government will assume and pay expenses incident to a call of volunteers into the service, I will promptly issue a call for them whenever you may indicate a desire to have it done.

I have the honor to be,

Sir, your obedient servant,

[Signed]

JOHN BIGLER.

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HEAD-QUARTERS, PACIFIC DIVISION, }  
Benicia, Cal., April 10, 1852. }

SIR:—I have the honor to acknowledge the receipt of your Excellency's communication, of the 8th of April, 1852, with a copy therein enclosed, of a memorial to your Excellency, over the signatures of the Senators and Representatives of the Counties of Trinity, Klamath, Shasta and Siskiyou, representing the necessity of the service of troops in those counties for the pro-

tection of the citizens against Indians ; making a lamentable exhibit of the murders and destruction of property committed by them in that section of the country, and calling upon me, as the Commander of the United States troops, to furnish the required protection.

As this is the first communication I have had the honor to receive from your Excellency upon the subject of defence against Indians,—and as I have received, since my arrival in California last July, but one communication from your predecessor upon a similar subject, I beg leave to ask your attention to a few general points, in order that the position of the troops I have the honor to command, may not be misunderstood.

On my arrival in the country, I had several interviews with your predecessor in office, Governor McDougal, and did not learn from him, or from any other source, that there was a special necessity for troops in any one portion of the State more than another. In other words, I did not understand that a hostile attitude was exhibited by any of the Indian tribes.

In the month of June last, Major Kearny, with a small body of dragoons, on the march from Vancouver to this place, found it necessary to chastise the Rogue River Indians—a service handsomely rendered—attended, unfortunately, with the loss of a valuable officer, Captain Stuart, who was killed in conflict with those Indians. Subsequent to that, no indications of hostility on the part of the savages were made known to me until in the month of October, when I saw the published account of the killing of eight white men upon the Coquille river. To this point I immediately sent a force by which the Indians on that river were chastised—some killed, the remainder dispersed, and all their supplies of fish, &c., destroyed. It afterwards appeared that the published report upon which that expedition was founded, was inaccurate ; and it has been stated that the white men represented to have been killed, escaped into the interior of Oregon. I regret to add, I have understood that their conflict with the Indians resulted entirely from their own imprudence, if not misconduct.

In the State of California, no Indian difficulties were heard of after July last, until the month of December last, when I received the first and only communication with which I was honored by your Excellency's predecessor, upon the subject of Indian hostilities. Governor McDougal then informed me, coincident with some published accounts, of an outbreak in the southern part of the State. There was reason to believe at that time, that a general combination of the tribes had been formed, threatening an extensive war. I received the communication referred to, when at Sonoma, and I hastened to San Francisco, where I made immediate arrangements to send a force to San Diego, which force was composed of all the available troops at Benicia and at Monterey ; with these troops, in addition to those already at San Diego, Major Heintzelman marched promptly against the hostile Indians, whom he found prepared for defence ; fought them, beat them, and securing the immediate authors of the war, effectually punished them, and restored perfect peace to that part of the country.

But the Yumas on the Upper Colorado, who had entered into the combination, were too remote to be reached at that time, and Major Heintzelman is at this moment prosecuting the war against them.

Your Excellency may rest assured, that whatever can be accomplished by energy and spirit, will be effected by that gallant officer against those Indians.

Excepting the cases stated above, I was not aware of there having been a special need of troops in any particular section of California, until a few days since, in a personal interview with Mr. Wyman, and from a letter from the Representative, the Hon. Mr. McMullin, I was led to believe that a military post was required in the counties to which your Excellency refers, and so expressed myself verbally to the one and by letter to the other, intending at the earliest opportunity, if my means would permit, to establish a military post at some suitable point within those counties.

A few days after coming to that determination, I received a letter from Col. R. McKee, the Indian Agent, covering a copy of a detailed statement to your Excellency, by which I learned with extreme regret that the people of those counties had gone out in bodies and inflicted terrible vengeance upon the Indians, for real or supposed murders and aggressions: Colonel McKee evidently inclining to the opinion that there was no sufficient ground for such a proceeding; on which point I beg your Excellency to observe I express no opinion.

Previously to my hearing of the necessity of troops in the counties to which your Excellency refers, and in the absence of actual hostility on the part of the Indians in any section of California, excepting the Yumas, just referred to, I had set on foot measures of a general nature for the better security of the frontiers. To show your Excellency my earnest wish to make the best disposition in my power of the force under my command, I beg to inform you that I have taken steps to establish a post at the "Cajon Pass," another on Cow Creek, above Reading's, and have directed preparatory examinations to be made with a view to a post on the Oregon trail, somewhere east of Port Orford, designing to cause the entire frontier to be traversed by a mounted force, in the hope that all these measures, taken together, will effectually secure peace. While making this statement I am perfectly aware that isolated cases of murder and theft have occurred, from time to time, in different parts of the State: but I have attributed these to peculiar circumstances not indicative of hostility between the whites and Indians, or subject to the control of the troops.

Your Excellency knows that the state of affairs in California is unlike any thing that has ever previously existed in any part of the United States. Instead of a gradual settlement from the coast to the interior, pushing the Indian, as it were, before an advancing civilization, every part of the country has been suddenly penetrated and explored: and, in many cases, occupied at points more or less distant from each other: leaving the Indians often in intervals between the whites, and in immediate proximity to them



This has inevitably been attended with much sacrifice of life and loss of property, and has engendered a feeling, sustained by views of interest which makes it difficult to see how collisions could have been avoided in the first instance, and leaves little hope of providing against them altogether, hereafter, until the white population shall, by some means or other, have come into full possession of the country.

During the process of occupying the country, it must unavoidably occur that much bitterness will temporarily be excited, which no wisdom or power can entirely prevent.

I entirely agree with your Excellency, that the two races cannot live in harmony together, and that their near neighborhood to each other must continue to be productive of evil.

I trust your Excellency, and the considerate portion of the population of California, will not infer, from the existence of such *evils* so naturally growing out of the *condition* of the country, any want of disposition on the part of the General Government to render every protection possible under the circumstances.

I can assure your Excellency, that the troops now here manifest the very best disposition in this respect; moving from point to point, as their services seem needed, with the utmost cheerfulness and alacrity; and I am happy to say, they have in no instance failed to perform, to the fullest extent, all the duties required of them.

That the number of troops, both in California and Oregon, is fewer than the nature of the service requires, I have duly represented to the War Department; and, not long since, a body of five hundred men reached here, which I suppose to be but a part of those designed to be sent upon my application.

If there has seemed any reluctance or delay in sending troops to this military division, the reason is to be found not in a want of disposition on the part of the Government to do full justice to the claims of California, but because it is well known to be almost impossible, owing to the peculiar temptations to desertion, to hold troops embodied and efficient for service, any where on this coast. I will, however, lose no time in communicating to the War Department the views and wishes of your Excellency, and in the meanwhile will make the best use of the force under my command for the protection of the country.

In regard to the Militia of the State, I have supposed that your Excellency is aware of my entire want of power to give any sanction to their being employed, and that I can only recognize such a force when called into service by the President of the United States.

I have the honor to be, Sir,

Very respectfully,

Your ob't servant,

E. A. HITCHCOCK,

Col. 2d Infantry, B. B. Gen'l Commanding.

His Excellency JOHN BIGLER,  
Governor of California, Sacramento city.



EXECUTIVE DEPARTMENT. }  
 Sacramento City, April 12, 1852. }

To Brevet Brig. Gen. E. A. HITCHCOCK,  
 Commanding Pacific Division, U. S. Army.

SIR :—Your communication of the 10th instant reached me this morning. In reply, I take pleasure in expressing my approbation of the measures already projected by you for the public defence and the establishment of peace. I am gratified to learn, that to promote objects so desirable, you "have duly represented to the War Department, that the number of troops, both in California and Oregon, is fewer than the nature of the service requires," and that until your application for an increase of the troops is granted, you "will make the best use of the force under your command for the protection of the country."

The deficiency in the numerical force of the troops attached to this division of the army, has been unfortunately too apparent hitherto. This deficiency continues to be a subject of complaint among our citizens; and to repair the injuries resulting from it hitherto, expeditions of volunteers were organized to operate against the Indians. These expensive expeditions were mustered into service under the orders of my predecessor; not, however, without first consulting with the officer then in command of the United States Troops, and ascertaining that the complement of men assigned for the service, was too small to enable him to comply with the requisitions then made. To provide for the subsistence and payment of the volunteers thus called into the field, a debt was entailed upon the people of this State—a debt which should not be augmented, but which should be promptly liquidated by the superintending Government.

Impressed with the importance of these views, and acting upon the information conveyed to me by the gentlemen representing the northern counties in the Legislature, I communicated my wishes to you.

I do not deem it my duty to state here the reasons upon which I have founded a conviction that the military debt of this State was justified by the most stern necessities. That conviction may, however, be fortified by facts.

By an expression to you of what I am persuaded is the public judgment, that the welfare of this State has not been a subject of paramount or reasonable solicitude to the Government at Washington, I have not intended to exhibit a want of confidence in the meritorious character of the regular troops stationed here; and I feel that I shall give a correct expression of the public sentiment, when I assure you that there is no lack of public confidence in the officers and men attached to your division. I believe those officers and men have generally acquitted themselves with honor to the service.

I am familiar with the powers and duties delegated, in ordinary cases, to officers of the army engaged in a service remote from the Seat of Government. I am also aware that, without the direction of the President of the United States, you could not recognize the Militia of the State when called into service. But I had indulged the hope that an established fact, conceded by you, that it is "almost impossible, owing to the peculiar temptations to desertion, to hold troops embodied and efficient for service anywhere on this coast," had induced the President to give you such plenary powers as the exigences of the service assigned to you might require. Hence, in my letter of the 8th instant, I indicated to you my readiness to place a limited number of volunteers under your command, whenever you might make such a requisition, with the sanction of the President. The Act of Congress of 1795, empowers the President to call forth the Militia of a State in such numbers as he may deem proper, "whenever the United States shall be invaded or be in imminent danger of invasion from any foreign nation or Indian tribe."

I shall feel much obliged to you if you will communicate to me, as fully as is consistent with your duties, the precise nature of the steps which you design to adopt to terminate the present difficulties in the northern counties.

I have the honor to be, very respectfully,  
Sir, your obedient servant,

[Signed]

JOHN BIGLER.

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HEAD-QUARTERS, PACIFIC DIVISION, }  
Benicia, April 16, 1850. }

His Excellency JOHN BIGLER,  
Governor of California, Sacramento city.

SIR:—I have the honor to acknowledge the receipt of your Excellency's communication of the 12th instant. It affords me unfeigned pleasure to render thanks, in behalf of the troops I have the honor to command, for the favorable opinion you express of their conduct, and to assure your Excellency the army has no other desire than to merit the good opinion of the country whose flag waves over it.

I shall order to this place immediately one of the two companies now at Fort Miller, on the San Joaquin, with a view to establish a post on the Klamath or its vicinity, so soon as proper arrangements can be made.

I have the honor to be,  
Sir, very respectfully,  
Your obedient servant,  
E. A. HITCHCOCK,  
Col. 2d Regiment, B. Brig. General Commanding.

DISBURSING AGENCY, INDIAN DEPARTMENT, IN CALIFORNIA, )  
 San Francisco, April 5, 1852. }

His Excellency JOHN BIGLER,  
 Governor of California, Sacramento City,

SIR:—I have the honor to inform you, by the arrival of a vessel from Humboldt Bay, and of Gregory's Express, per Shasta Butte City, I have received letters from Capt. Walter M. Donald of the former, and Mr. John McKee, Special Indian Agent for Shasta and Scott Valleys, announcing the existence of alarming difficulties between the whites and Indians on Eel River and on the Klamath. It appears that, sometime in February, two men living on the north side of Eel River, some fifteen or twenty miles from Humboldt, in a retired out-of-the-way place, were murdered and their house robbed. As the river was unusually high, and canoes scarce, the fact did not become known to the settlers on the east side of the river for several weeks. It was then concluded, as a matter of course, that the Indians had killed them: and meetings were immediately held at the towns on the bay, and parties organized to hunt up and punish the guilty: but, no sooner were these brave warriors clothed with authority to represent and defend the country, than they commenced an indiscriminate attack upon the poor, defenceless, and wholly unsuspecting Indian settlements on about the bay, near Eureka and the mouth of Elk river, killing several: then proceeding out to Eel river, renewed the work of death, and finally succeeded in destroying the lives of fifteen or twenty naked and defenceless natives, without finding even one of those generally suspected as being most likely to be concerned in the murder. A week or two later, some three or four other Indians who *were suspected of being concerned in the murder. (if committed by Indians at all.)* were overtaken on Eel river, and summarily shot down. A gentleman from the bay informs me that these rash, cruel, blood-thirsty proceedings, were wholly disapproved by many of the best men in the country: but they could not arrest them, and were indeed almost afraid to let their disapprobation be known.

From the temporary Agent at Shasta Butte city, I learn by letters dated 21st ultimo, that some time in February, an Indian boy of 18 or 19 years, whom I recollect seeing at a place on the Klamath, named "Happy Camp," was deliberately shot as he was leaving that camp, wading the creek which puts in there, by a man from Missouri, called Capt. G. R. Tompkins. The body of the Indian floated out into the river, and was carried off. This boy, it seems, was connected with the Indian Rancheria at the ferry, or upper crossing, some distance above. A white man who was at Happy Camp when the boy was killed, having returned to his work near the ferry, was charged by the Indians as being cognizant of, or concerned in, the murder: and finding the Indians exasperated, became alarmed about his own safety, returned to Happy Camp, collected a party there and at the other diggings on the river, then returned to the ferry, surrounded the village, *shot every man* and a number of *women*, and burnt their houses. Then proceeding up



the river some two miles to a place called Indian Flat, surrounded another little village, and with the same results, except that in this case one man escaped to tell the Agent and the whites in Scott's Valley the story of their wrongs.

In all, between thirty and forty were killed in cold blood; the women and children left, fled into Scott's Valley—were loudly mourning the loss of their friends, and mainly dependent on the Agent and the liberality of the whites for provisions to keep themselves alive. Such, in substance, is the report sent me as obtained by the Agent from the man who returned to Happy Camp and raised the party. If instead of doing so, he had gone up into the Valley and applied to the Agent, he with his interpreter could have explained the matter to the Indians satisfactorily, and saved this wanton sacrifice of human life, which, if it does not endanger the peace of that frontier for months, has at all events brought lasting disgrace upon the American name. The Agent writes further, that the parties attempt to justify their disregard of the solemn treaty arrangements made with those Indians in November last, among other things, by the opposition which they understood the Legislature was making to the treaties; that if the treaties were to be disavowed by the authorities, they might just as well take the matter into their own hands at once, and rid the country of the whole race! This is a very sad state of things, and I am fearful will cause much trouble in that quarter when known, as it will be throughout the Indian country. It will throw obstacles in the way of our proposed arrangements with the Salmon and Trinity River Indians, which I cannot at present see how I can overcome. The Indians do not understand our distinctions; they look upon a treaty as *bargain* between *all the Indians* on the one side, and *all the whites* on the other. And previous to this brutal outrage on our part, every account from that quarter of the State went to show that the Indians were quiet, and disposed to act peaceably and in good faith.

And I beg to submit to your Excellency, whether, as the chief Executive officer of the State, some measures cannot be taken to vindicate the laws of the country as well as of humanity; and, if possible, bring some of those desperadoes to punishment?

Without pretending to advise as to what may be proper, I have thought that possibly much good might result from your issuing a proclamation, in handbill form, for the frontier settlements, calling upon all who have the true interests of California at heart, to frown upon such attempts to imbrue the frontier in blood, by exciting in the Indian the spirit of revenge and retaliation—so consonant to his education and habits—urging the great importance of preserving good faith with the tribes, and when treaties have been made, and *intimating* that those who act differently will be held amenable to the laws. In addition, I would respectfully suggest, that orders be sent to the District State Attorneys to investigate the cases referred to in this communication, and if the facts have been truly reported, have the guilty indicted and tried for murder.

I am aware that such proceedings will involve considerable expense of



time and money ; but some example must be made, and I have no doubt whatever but the Department of Indian Affairs will authorize me to refund whatever sum may be necessary for the conviction of the guilty.

In this connection, I will add that I design, at an early day, of calling the particular attention of Br. General E. A. Hitchcock, Commander of the Pacific Division, to the importance of establishing at least one or two small military posts on the frontier, for the mutual protection of both whites and Indians.

Commending this important subject to your Excellency's early attention.

I have the honor to remain,

Very respectfully,

Your obedient servant,

REDICK McKEE,

United States Indian Agent for Northern California.

EXECUTIVE DEPARTMENT. }  
Sacramento City, April 9, 1852. }

Hon. REDICK McKEE,  
Indian Agent, &c.

SIR:—Your letter, dated "San Francisco, April 5, 1852," communicating the intelligence that serious collisions have occurred between white citizens and Indians, in the counties of Klamath, Trinity and Shasta, was received yesterday.

I assure you, sir, that I deplore the unsettled condition of affairs in the north ; but the settlement of new countries and the progress of civilization, have always been attended with perils. The career of civilization, under the auspices of the American people, has heretofore been interrupted by no dangers, and daunted by no perils. Its progress has been an ovation, steady, august and resistless.

Governments are instituted for the protection as well as for the control of the governed ; and this government, while it is under my administration, shall not fail to perform its duties. I am admonished by the intelligence communicated, of the necessity of taking steps to protect the people of California ; and I concur with you in the opinion, that prompt action is indispensable. I have, therefore, determined to exercise the prerogative reposed in me by the constitution, to solicit, and, if necessary, to enforce a peace. I have also made a demand upon the military commander of the United States forces in California, for troops, and requested him to unite with me in an effort to terminate these unfortunate difficulties. I trust you, too, will unite with me in an appeal to the military authorities of the United States,

stationed in California, to take the initiative in this business, and, by placing troops in the northern counties, with orders to act, relieve this State from the necessity of assuming a new military debt. A desire to preserve the credit of the State, and to place her integrity beyond the reach of suspicion, will not permit me to sanction any act to increase the public liabilities, unless necessity shall dictate it.

In detailing to me the troubles which have recently occurred with the Indians in the counties of Trinity and Klamath, in the form communicated to you by agents and others, I deem it proper to apprise you of the fact, that you place yourself at issue with the respectable gentlemen representing these counties in the Senate and Assembly of this State; and, in ascribing the guilt of these proceedings to our own citizens, your declarations are not corroborated by statements which they have submitted to me. You assume that our citizens have perpetrated these crimes, and profess to entertain no doubt but "the Indian Department at Washington will authorize you to refund whatever sum may be necessary to secure the conviction of the guilty." Should you solicit an appropriation of money to be applied to that object, I trust you will add a separate appeal to the President, to direct that such additions be made to the troops detailed for duty in California, as the exigencies of the service imperatively demand.

I have remarked, that there are discrepancies between your statement of the facts connected with this outbreak, and the statements laid before me by the members of the Legislature representing the northern counties in which hostilities have occurred. They represent that the Indians are daily guilty of committing outrages upon unoffending citizens—that the number of white men murdered by Indians in the counties of Klamath, Trinity, Shasta, and Siskiyou, within a few months past, is one hundred and thirty; and that the aggregate value of property destroyed by them during the same period is \$240,000. You, inclining to the other side, detail a series of atrocious outrages committed by the whites against the "naked and defenceless Indians;" and you assert that "this wanton sacrifice of human life, has, at all events, brought lasting disgrace upon the American name." You, however, preface these details, in your communication, with an admission that before the whites proceeded to take any aggressive steps, two of their number had been murdered by the Indians.

You also add a remark that citizens resident in Klamath, Trinity and Shasta, "attempt to justify their disregard of certain treaty arrangements," made by yourself with the Indians, "among other things, by the opposition which they have understood the Legislature has been making to the confirmation of the treaties," by the Senate of the United States.

These reflections imply an imputation on the character of American citizens, and I assent neither to its justice or its propriety. As a private intercessor between American citizens and their savage enemies, consanguinity, and the sentiments which it inspires, would incline me to favor the cause of my countrymen; and as a public magistrate chosen by American citizens, I cannot yield my approbation to any imputations upon their intelligence or patriotism. Nor can I forbear to express the opinion that

an investigation of the circumstances, such as I design to make, will fully acquit the American citizens residing in the northern counties of the charge of "murdering naked and defenceless Indians in cold blood."

Whatever may be the result of such an investigation, I renew to you the assurances which I have already given, that I will omit no effort to punish offenders against the laws, and to secure to the citizens of the State the blessings of peace and good government.

I have the honor to be,

Sir, your ob't servant,

[Signed]

JOHN BIGLER.

DISBURSING AGENCY, INDIAN DEPARTMENT IN CALIFORNIA, }  
*San Francisco, April 7, 1852.* }

BR. GENERAL E. A. HITCHCOCK,

*Commander Pacific Division, Benicia.*

SIR :—I beg to enclose for your perusal, a copy of a letter addressed by me on the 5th inst., to his Excellency the Governor of this State, in relation to the recent brutal outrages committed by white men upon the generally harmless and inoffensive Indians, on Humboldt Bay and Eel river, and also on the Klamath.

Such occurrences are sickening to the mind, as well as disgraceful to our State and national character; yet in view of the lawless character of crowds upon that frontier, they will probably continue to occur, until the strong arm of the Government is interposed. In view of the exposed condition of that frontier, and the alarm which these occurrences will have occasioned, I would again respectfully invite your attention to the propriety of sending immediately a small body of troops to each of the Indian reservations near the junction of the Trinity and Klamath, and in Scott's Valley. From these points as centres, the whole region could be traversed, controlled, and protected; and great good would undoubtedly result to both whites and Indians. Fifty or sixty men, well mounted on mules, would probably be sufficient for each post. Timber for building houses, fences, corrals, &c., is abundant and convenient; grass for grazing animals plenty the year round; fish and game inexhaustible; land good for cultivation; nothing to invite or produce disease, with a genial, salubrious and delightful climate. I think both officers and men would find it a pleasant, exciting and desirable service.

A depot for supplies might be established on Humboldt Bay, and by means of a small pack train, regular communication kept up with both points, every two or three weeks. On these points, however, I need not enlarge; for if Major Wessels, who commanded the escort party on my

late expedition, has not already reported on the subject, he can readily supply all necessary information. I know of nothing more likely to do good, or which would more fully reassure and gratify the well disposed white citizens in that region, than the establishment, at your earliest convenience, of these small garrisons.

Another may have to be made on the Upper Trinity River, unless I can induce the Indians there to remove to the Colony in Scott's Valley; but that region is yet unexplored, and it will be impossible for me to examine it, or confer with the tribes, until I receive further remittances from the Department at Washington.

With high regard, your most ob't serv't,  
 REDICK McKEE,  
*U. S. Indian Agent for Northern California.*

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DISBURSING AGENCY, IND. DEP'T. IN CALIFORNIA, }  
*San Francisco, April 12th, 1852.* }

His Excellency, JOHN BIGLER, Gov., &c.

SIR:—I have the honor to acknowledge the receipt, this morning, of your letter of 9th inst. In the general remarks made by your Excellency touching the progress of civilization and the purposes for which governments are instituted, &c., I fully concur; many of them are familiar truths, very prettily expressed.

I am gratified by the assurance that, in relation to the unhappy occurrences referred to in my letter, you "concur with me in opinion, that prompt action is indispensable." This is what the case demands, and the object I had in view in addressing you.

I have already written urgently to the commander of the United States Pacific Division in relation to the establishment of small garrisons or military posts on the Indian reservations at the junction of the Trinity and Klamath and in Scott's Valley, which I consider indispensable to the peace and safety of that frontier. A copy of my letter to Gen. Hitchcock, under date of 7th inst., will be inclosed for your perusal.

I have entire confidence in the desire of Gen. Hitchcock to employ the force and means at his command, for the protection and peace of the country; but unfortunately, owing to the failure of our Democratic Congress to make suitable appropriations, these means are extremely limited, at present, and some time may elapse before it may be possible for him to act effectively.

It was in view of this state of things that I took the liberty of appeal-



ing to your Excellency to consider the propriety of the course suggested in my letter of 5th instant.

Your Excellency appears to have misapprehended or misconstrued some parts of my letter, and to have been thereby led into false conclusions. I attempted no detail of the Indian difficulties which have occurred *generally, or in all past time*, in the counties of Trinity and Klamath.

Those counties embrace an area of perhaps three or four hundred miles of mountain ranges, with a numerous Indian and very sparse white population, and in some of their remote parts may have had "trouble," unknown to me. What I designed to bring to your Excellency's attention, and what I *wrote about*, was the *two distinct specific massacres, in cold blood, of defenceless Indians by the whites, on or near Humboldt Bay and on the Klamath*. I stated that my information came from reliable parties, in the form of written reports, which were corroborated by gentlemen then in this city. About *those transactions*, I presume, "the respectable gentlemen representing those counties in the Legislature," to whom you refer, had no previous information, whatever. How then can your Excellency arrive at the conclusion, that I had placed myself "at issue" with those gentlemen, or their statements? If they had information touching those particular enormities, differing from that I communicated, *they* could make an "issue," if they thought proper; but if they did, I have entire confidence an investigation would result in showing the substantial accuracy of my information, and the inaccuracy of theirs. I could scarcely expect from gentlemen so fully committed on what your Excellency terms "*the other side*" a voluntary corroboration of any statements I might make on Indian affairs in that quarter.

If, as you say, there are discrepancies between the statement I submitted "connected with this outbreak," and the statement laid before you by the members of the Legislature, representing the northern counties," I submit that your Excellency will see the propriety of sending me certified copies of those statements, that I may transmit them to the gentlemen who reported to me, and give them an opportunity of repelling this indirect attack upon their veracity. If, however, the statements referred to relate, as I think quite probable, to matters in *other and distant parts* of the country—perhaps one hundred and fifty miles from the Klamath and two hundred or more from Humboldt Bay, then there may, after all, be nothing which, on reflection, your Excellency would denominate by the term "discrepancy," at least in the sense of contradiction. The intimation that special credit should be given to the statements or counter statements of gentlemen, because they happen to be "*members of the Legislature*," is a position in which my experience does not lead me to concur. That the responsibilities of the station and the solemnity of their oath, should lead gentlemen so elevated to weigh well and carefully every statement made or vote given, is unquestionably true; but all experience shows that the accidental elevation of a man to a political station, especially in our frontier States, does not necessarily change his moral perceptions or sensibilities. No more in a political than in a moral sense "*can*

*the Ethiopian change his skin, or the Leopard his spots."* In forming an opinion therefore, about either men or things, in California, I find it all important to look at the probabilities of statements made, and the private character of the party making them, without very particular reference to the official position he may chance to occupy.

You inform me that the "*gentlemen representing the northern counties,*" have stated that "*the Indians*" are daily guilty of committing outrages upon unoffending citizens"—that the number of *white men murdered by the Indians* in the counties of Klamath, Trinity Shasta, and Siskiyou, within a few months past, is one hundred and thirty; and the aggregate value of the property destroyed by them (the Indians) is \$240,000.

It would be an endless as well as thankless task, to notice and correct the thousand extravagant statements made on this subject, in the public prints, and even by honorable members of the Legislature; and while I shall not controvert even the above, I will nevertheless take the occasion to say that, certainly, the statements can have no reference to the region about Humboldt Bay, or the Klamath, or the Lower Trinity, Scott's or Shasta Rivers—which is within my district—and where, *up to the time of the late murderous attack upon the Indians, no difficulties of any kind had occurred since the treaties made in October and November.*

Upon the certainty of this information, your Excellency may rely.

What may have occurred on the Upper Trinity, or on the trails through the country of the Cow Creek or Pitt River Indians, I have no information other than the constantly recurring reports and rumors of Indian depredations, which appear in the papers. Your own experience in California has doubtless led you to remark that if a pack train is attacked or robbed, if a *corral* in one of the valleys is broken into and robbed, the conclusion is instantly reached that the *Indians* are the aggressors, the Oregon rifle or the Pike County revolver is at once called into requisition, and the first red skins, not white, made to pay the penalty. While I was in the Shasta country last fall, several extensive and aggravated robberies were committed, large numbers of mules and horses carried off, and the blame, *as usual*, laid at the door of the *Indians*. Large parties were organized, and a war of extermination almost determined on. Just then it was discovered that the *Indians were mostly at my camp in Scott's Valley, for the purpose of treating*; and the idea was broached, apparently for the first time, that *possibly* they were not *guilty*; that the outrages had been committed by men with *white* and not *red* skins. Pursuit was made in the direction of Oregon and the Salt Lake; and since my return, the temporary Agent writes me that the Salt Lake route party had returned with several white prisoners, and a large number of animals. The *white* Indians, at the date of this letter, were chained to a log house prison in Shasta Butte City, awaiting the return of the other party, when they would be tried; unless meanwhile, through the influence of "*consanguinity*," or of money, they did not manage to escape.

Precisely similar cases have come to my knowledge in the Sacra-

mento Valley, on the San Joaquin, and in the country back of Los Angeles; in fact, the cases are numerous in which, after Indians have been shot down like bullocks for supposed crimes of this sort, it has been found to the satisfaction of all others concerned, that *white men were the real criminals*.

It is not, therefore, to be wondered at, that I receive these frontier rumors and statements with some incredulity, and many grains of allowance. This principle may, I presume, be applied to the statements made to you about the 130 American citizens killed, and the \$240,000 worth of property destroyed.

The *Shasta Courier*, published in the very focus of these reports and rumors, gave some days since, a statement on this subject, making the number killed twenty or thirty, and as it is all guess work, I think far more probable than the one you refer to.

As a general thing, the Indians of this country are not disposed to war with the whites; they are afraid of our long rifles, and seldom attack or steal from parties traveling, unless driven to desperation by hunger, or the supposed necessity of killing a pale face, to make good the death of one of their own people. The *lex talionis* is a part of their religion.— They think they would hardly lie quiet in their graves, if they failed to revenge the death of such of their people as had fallen by the hands of their enemies; and generally, I believe, they manage to keep the account about balanced. This law of their education, if not of their nature, is well known to all old mountaineers; and it is surprising that, in view of the certain consequences, packers and traders on the mountain trails continue to pick off straggling Indians, wherever and whenever opportunity serves. Until a different policy is adopted, border frays and disturbances must continue of frequent occurrence.

If your Excellency will again read my remarks about the bloody tragedy on Eel River, you will see that I did not preface the details of that sad affair "*by an admission*" that the two white men had been murdered by the *Indians*. So far from this, I referred ironically to the conclusion *jumped at* by the whites; and I can now add, on the authority of a gentleman from Humboldt, that it is still *wholly uncertain* whether the murder and robbery were the work of *Indians at all*. There are numbers of white adventurers on that frontier, who are none too good to be at least suspected. I made, and of course meant no reflections upon the character of *American citizens*. I profess to entertain quite as much regard for the character and honor of my countrymen, and for all the proper claims of "*consanguinity*," as your Excellency, or any other citizen; but my regards for *the dear people* shall not prevent my calling things by their right names, and denouncing a white man who kills an Indian in cold blood just as readily as I would an Indian for killing a white man. *They would be equally guilty of murder*.

Upon the frontiers of this State, your Excellency must be aware, that there are great numbers of *Mexicans, Chilians, Sydneyites, and rene-*



*grades from justice, in the old States*, wholly undeserving to be classed with American citizens, or to be included in the compliments you lavish upon our countrymen.

It was with reference to this part of the population, to the arrest and trial of certain *desperadoes*, that I wrote. If, after the rigid investigations into those melancholy transactions at Humboldt and on the Klamath, which you promise shall be made, it shall be found that none of our countrymen, or *American citizens*, are implicated, certainly no person will rejoice more heartily than myself.

In conclusion, I beg to state, that Walter Van Dyke, Esq., the District Attorney for Klamath County, is now in this city, and will remain for some days, awaiting such instructions as your Excellency, as Chief Magistrate of the State, may deem proper to send him.

I have the honor to remain,  
Very respectfully,  
Your obedient servant,  
REDICK McKEE,  
*U. S. Indian Agent, Northern California.*

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EXECUTIVE DEPARTMENT, }  
Sacramento City, April 13, 1852. }

TO HON. REDICK McKEE,  
*Indian Agent, &c.*

*Sir:*—Your letter of the 12th inst., inclosing a copy of a letter addressed by you to Gen. E. A. Hitchcock, on the 7th inst., has been received; and in reply, I have the honor to refer you to the memorial addressed to me by the Senators and Representatives from the counties of Trinity, Shasta and Klamath, a copy of which will be transmitted to the Senate, in obedience to a resolution adopted by that body, and a duplicate copy of which I herewith transmit for your perusal.

I cannot undertake to discuss or decide a point of difference between yourself and the respectable gentlemen representing the counties named in the Legislature, nor can I discern that in the letter which I addressed to you on the 9th inst., there is any misapprehension or misconstruction of your statements.

The localities which you have described as the immediate scene of the outrages, are all situated within the counties of Trinity, Klamath, Shasta



and Siskiyou, the counties named in the memorial addressed to me by their representatives.

In your letter of the 12th inst., you attempt to palliate the imputations made upon American citizens in your letter of the 5th, by declaring that you referred to "Mexicans, Chilians, Sydneyites, and renegades from justice in the old States," as the "murderers of Indians in cold blood," and as the parties whom you desire to have arrested and punished. If, in your letter of the 5th inst., you referred to "Mexicans, Chilians, and Sydneyites," why did you follow up such a reference by an assumption, in the same letter, that their aggressions against the Indians have "at all events, brought lasting disgrace upon the American name?" I cannot admit that the American Government is so far responsible for the crimes of "Mexicans, Chilians and Sydneyites," or that "lasting disgrace" can be brought "upon the American name" by the misdemeanors of "renegades from justice in the old States."

But you may have forgotten that in your letter of the 5th inst., you name, as the perpetrator of one of the most atrocious of the outrages detailed by you, "a man from Missouri"—an American citizen. I am authorized by members of the Legislature, and other respectable gentlemen, to inform you that this "man from Missouri," is the son of a highly respectable merchant at St. Louis; and that himself and his business partners in California, (Messrs. Roach, McDermott & Stence,) are gentlemen of irreproachable character

These statements, authenticated so fully, incline me to believe that there are no good reasons to justify a change of the opinion expressed in the communication which I had the honor to address you on the 9th inst., that an investigation of the circumstances will fully acquit the American citizens residing in the northern counties, of the charge of "murdering naked and defenceless Indians in cold blood."

In the letter addressed by you to Brevet Brigadier Gen. Hitchcock, on the 7th inst., you invite his attention to "the propriety of sending immediately a small body of troops to each of the Indian Reservations, near the junction of the Trinity and Klamath, and in Scott's Valley." The localities designated may be well adapted to the service, and if deemed to be so by the distinguished officer referred to, no objection can, of course, be urged. But if your suggestion is adopted by that officer, I confidently trust that he will not consider himself bound to enforce treaty stipulations, which have not received the sanction of the Senate of the United States. The treaties negotiated by you in those localities, so far as they assign fixed and determined boundaries to valuable lands reserved for the permanent use and occupation of the Indians, are opposed to the wishes and the interests of the people of this State.

It may be proper to remark here, that I have assurances of the united opposition of our delegation in Congress to the ratification of the treaties, and that their rejection by the U. S. Senate may be regarded as beyond a doubt. I have entire confidence that the officer in command of the Pa-

cific Division will not voluntarily interpose obstacles to the public interest ; and I trust you will patiently await the action of the Senate, and not so far disregard the well matured judgment of the people of California, and the State authorities, as to assume a position, or adopt measures calculated to aggravate difficulties, the speedy termination of which is so imperatively demanded by the public good.

I renew to you the assurances given in a former letter, that I will exercise all the power reposed in me to punish offenders against the laws, and to promote the public peace.

I have the honor to be,  
Sir, your obedient servant,  
JOHN BIGLER.

COMMUNICATION

FROM COMPTROLLER,

REFUSING ORIGINAL PAPERS IN RELATION TO INDIAN WAR IN MARIPOSA  
COUNTY.

COMPTROLLER'S OFFICE, }  
Sacramento City, March 12th, 1852. }

*To the Senate of California:*

I have the honor to state, in reply to a resolution of your body, "requesting me to furnish to the Senate *all* the papers now on file in my office in relation to the Mariposa war," &c.—that under Act passed Jan. 19th, 1850, concerning office of Comptroller, in section 2d, I do not feel authorized to permit vouchers for warrants outstanding to leave the office. Under section 10 of the act referred to, I will with pleasure allow and open to the inspection of any member of the Senate, or any Committee, any of the papers, vouchers, &c., which may be on file in my office.

Very respectfully,

Your obedient servant,

WINSLOW S. PIERCE,

*Comptroller of State.*

R E P O R T  
OF A PORTION OF THE  
S E L E C T C O M M I T T E E

TO WHOM WAS REFERRED

SENATE JOINT RESOLUTIONS

RELATIVE TO AUTHORIZING THE GOVERNOR TO EMPLOY COUNSEL  
TO APPEAR AT THE BOARD OF LAND COMMISSIONERS,  
TO PROTECT THE INTERESTS OF THE STATE  
IN THE SWAMP LANDS.

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The undersigned, a portion of the committee to whom was referred the Resolutions relative to the Swamp and Overflowed Lands within this State, authorizing the Governor to employ counsel to appear before the Commissioners, and before the District and Supreme Courts of the United States, to advocate and defend the rights of the State against inchoate or imperfect Mexican grants, that may be sought to be established on any overflowed or swamp lands in the State, have had the same under consideration, and beg leave to report the following :

1. The law donating swamp lands to the different States is sufficiently clear and explicit, and contains within itself all necessary provisions relative to a proper disposition of the lands.

2. That the Surveyor General of the United States is presumed to have been instructed by the General Government to survey, mark, and designate the public swamp lands within this State, as also all other public lands.

3. Field notes, and plats of surveys made of swamp lands, will be re-



turned to the Commissioner of the Land Office, or the Secretary of the Interior, upon which returns will be based the patent for the same.

4. That it will be premature for the Governor of this State to employ counsel to attend to the matter before the Land Commissioners, for they cannot take cognizance of, or act upon, anything relating to the public swamp lands, until they are located and defined by the Surveyor General of the United States.

5. The General Government will take care of the public swamp lands within this State, for they constitute a portion of the public domain, and the Mexican grants will be separated from the public lands; all of which will be clearly set forth in the Report of the Surveyor General of the United States.

With this brief explanation of our views, we beg leave to state that we cannot concur in the passage of the resolutions.

GEO. B. TINGLEY,  
J. R. SNYDER.

REPORT  
OF  
COMMITTEE ON EDUCATION,

ON ASSEMBLY BILL TO PROVIDE FOR THE DISPOSAL OF THE 500,000 ACRES  
OF LAND, GRANTED BY THE GENERAL GOVERNMENT, &c.

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*Mr. President:—*

The Committee on Education, to whom was referred the Assembly bill, "to provide for the disposal of the 500,000 acres of land granted by the General Government, the interest of which by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools," ask leave to submit the following report :

California was constituted a trustee of the "five hundred thousand acres of donated by Act of Congress, and of the entire proceeds arising from the sale of the same," by the Act admitting her into the Union. As a trustee, her duties are plain ; the main principle being engrafted upon, and forming a very distinct and honorable portion of her Constitution. These lands are there appropriated for the best of all purposes—the education of those who are to dwell upon and be buried in them. Not a dollar of the proceeds can, by any law, be appropriated for any other purpose. It is a sacred fund, which no unhallowed hand must touch. It belongs to the children of California. It is the source of the fountains of mental and moral improvement which are to flow on, and onward, in a perpetually increasing stream, ever and forever. And the trusteeship thus imposed, binds the State, through its servants, to pursue that system and adopt those measures which seem best calculated, not only to preserve inviolate that fund, but to increase it to the utmost possible magnitude. The Legislature, as the agent of the State, has therefore a plain duty to perform between the children of California, who are the wards, and the State itself, which is the trustee.

The second section of article ninth of the Constitution of this State, subject "Education," confers this Trusteeship in these words: "the Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of

all land that may be granted by the United States to this State for the purpose of Schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D., 1841; and all estates of deceased persons who may have died without leaving a will, or heir, and also such per cent. as may be granted by Congress, on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State." This language of our State Charter is not to be mistaken. It means that every dollar arising from the sales of the lands mentioned, and from all other sources of revenue enumerated above, shall be and remain a perpetual fund, inviolate and inviolable. By no law, then, enacted by a Legislature deriving all the power it can exercise from the Constitution, should the evident and expressed intention of that instrument be destroyed or avoided. This, however, the bill under consideration seeks to do, as will readily be perceived by an examination of its eighth section; and comparing, or rather contrasting it, with that part of the constitution already quoted. This section provides that all sums received from sales of these School Lands "shall be set aside for a general fund to meet the liabilities of the State." It is denied that the Legislature possesses any such right. Its duty under the constitution as a trustee of what belongs to the children of California, plainly is to legislate, if at all, especially to secure and increase the School Fund, and appropriate the interest arising from it, and other revenues, to defray the current expenses of a Common School system. If, while doing this, any incidental advantages to the State credit and prosperity, can be secured, that also is a legitimate exercise of legislative power. But it is not and should not be the primary object. The children have the first and only claim to this patrimony. But the section referred to appropriates every dollar of it to pay off the debts of the State already contracted. If the constitution allows any such exercise of power, your committee has been unable to find it.

It is true, that the interest to be credited to the School Fund, shall be calculated at seven per cent. per annum, according to the thirteenth section of the bill, but as no interest must necessarily be thus credited, inasmuch as the entire principal has previously been appropriated to a different object, and the warrants and scrip provided to be received in payment for the lands bear no interest, it seems obvious that the entire fund, with all the benefits which should flow from it, will be lost to the interests of education forever, so far as that fund was to be derived from the five hundred thousand acres of School Lands is concerned.

That is, the lands are to be sold for Scrip and Warrants, which bear no interest; the *interest* is then to be credited to the School Fund, at seven per centum, as a permanent fund. If *nothing* can be considered permanent, surely this bill will fix that philosophical fact beyond dispute. These lands, it should also be recollected, are to be sold for two dollars per acre, although they may be worth twenty dollars. Such a system of robbing the School

Fund, it is hoped, will not be tolerated, merely because it will enable the holders of Warrants and Scrip to turn paper, worth fifty cents on the dollar, at par value, into land worth ten times its fixed price. The very title of the bill savors of the unconstitutional odors which pervade the body of the bill itself, for it says that the *interest* of the 500,000 acres, "by the Constitution has been appropriated as a permanent fund for the support of Common Schools." No such sentence can be found in the Constitution; no such idea is conveyed by any part of it; but, on the contrary, it is expressly declared that the entire proceeds shall be the "perpetual fund," while the interest "shall be inviolably appropriated to the *support* of Common Schools throughout the State." If there is any difference between the principal and interest, surely the provisions of the bill do not correspond with the word and spirit of the Constitution.

Said Governor Briggs, in an Address upon the subject of Education, "every child should be educated; and it is the duty of the State to make provisions for it by a tax on the property of the State. It is the *right* of every child born in this world, I don't care where, under what sun or climate, *it is his right to be educated.*" The framers of our Constitution recognized this right, and provided for securing its enjoyment. It remains to be seen whether those elected under and sworn to support that Constitution, are prepared to violate its most plain and distinct enactments, by appropriating for another object entirely, what it devoted to the objects of Education, and to them alone. The purpose of the bill is not to secure intellectual and moral education, but to pay off the enormous indebtedness of the State already contracted, and in a great degree the result of profligate and loose legislation. Thus, the inheritance of the children is to be taken and appropriated to liquidate the debts wrongfully contracted, and not for their benefit.

Your committee cannot endorse the policy of putting into the market all of these lands at once, and now. The argument that they will thus realize a greater return than by reserving a portion for future disposal, does not seem founded in that wisdom which has been gathered from experience, which is based upon existing facts, and which, without the gift of prophecy, may easily gather additional power from the prospects that dawn upon us. No statistics other than such as are well known to every Senator, are needed to convince every one that the immigration to California is unprecedented, and is likely thus to continue for years to come.

The more populous, the more valuable will the soil generally be, and this increase of value usually keeps pace with population. It seems a safe calculation to say, that within five years the population of California will amount to one million. When, in addition, it is recollected that the soil of this State is more productive than that of perhaps any and every other land; that the mines are certain to be for years to come sources of wealth, offering inducements to laborers and commanding a large population of consumers, thus ensuring a good market for the productions of the State, it would seem the true policy to reserve a portion of the School Lands for sale



at a future period, when it is reasonable to suppose they will be very much enhanced in value.

It is not believed that the interest on the amount calculated to be realized from the sale of these lands, will be needed for school purposes during the present or succeeding year. The sale of the entire five hundred thousand acres, at present, cannot therefore be urged upon the ground of necessity. Indeed, the main object of the bill seems to be to sell these lands for the purpose of paying off the indebtedness of the State, and not for the benefit of the School Fund. This will appear manifest by reference to the ninth section, which provides, that all sums received for sale of these School Lands, "shall be set aside for a General Fund, to meet the liabilities of the State." These are its express words.

Your committee believe that these lands are a sacred trust; that they should be disposed of, only for the benefit of the present and succeeding generations of children; and not believing that such object would be attained by the bill under consideration, for reasons already given, as well as for others omitted, they therefore return the bill as unconstitutional and inexpedient, and pray to be discharged from its further consideration.

All of which is respectfully submitted.

FRANK SOULE, Chairman.  
THOS. B. VAN BUREN.

REPORT OF COMMITTEE  
ON THE  
GOVERNOR'S SPECIAL MESSAGE,  
IN RELATION TO  
ASIATIC EMIGRATION.

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The select Committee to whom was referred the Special Message of his Excellency, the Governor, in relation to Coolies and other foreign serfs, brought into this State to work in mines, having had the same under consideration, beg leave to report :

Your Committee, fully sensible of the delicacy and great importance of the subject committed to them, have hastened to devote to it their most earnest consideration. The magnitude of the interests involved, and the novelty of the question submitted in the Message of the Governor, make your Committee distrustful of their own opinions, and lead them to ask the forbearance of the Senate, and the most serious consideration of the matters they recommend.

Your Committee have to regret that neither the history of our own or any foreign country, affords a parallel to our present condition, or examples to instruct and guide us in the embarrassing circumstances which surround, and the more ominous and dangerous which threaten to overwhelm the State at no distant day, unless an efficient remedy be speedily found.

By the Constitution of the United States, Congress is authorized to establish a uniform system of *naturalization*. That power having been exercised by Congress, it may well be doubted how far the State is authorized to prohibit from coming to, or settling within her limits, any person authorized to become a citizen of the United States.

If the States should prohibit them from residing within their limits, they would defeat the operations of the Act of Congress, and overthrow the long cherished policy of the country, of affording an asylum for the oppressed of all nations, where they may repose in peace and security, under the purifying influences of Republican institutions.

Whilst this State may not exclude from her limits any person whom Congress may authorize to become a citizen of the United States, yet these foreigners can only enjoy, prior to their naturalization, such political and civil rights as the State may give them. In some States they have been allowed to exercise the right of suffrage after a short residence therein, even before naturalization. In other States they can neither inherit, hold nor transmit real estate. In some States, foreigners may sue and be sued in the Courts, with the same privileges as citizens. In other States, serious restrictions are imposed on them in this respect. By our treaties with some foreign nations, privileges are secured to their subjects to sue in our courts for redress of wrongs, without other restrictions than are imposed on our citizens by law; but such stipulations are only intended to give authority to sue in the United States Courts, and are not intended to operate on the judiciary of the State. Your Committee believe no person, not being a citizen of the United States, can claim or exercise in the State, under the laws thereof, any political or civil right, except such as the Constitution and laws of the State may confer upon him.

The 17th section of the 1st article of the Constitution provides that, foreigners who are or may become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyments and inheritance of property, as native born citizens.

This, your Committee believe, is the only article of the State Constitution which relates especially to the rights of foreigners, in the State. It relates only to the possession, enjoyments and inheritance of property, and is in its application confined to foreigners who are or may become *bona fide* residents of the State. Such foreigners, therefore, as may become *bona fide* residents of this State shall be protected in their property. By *bona fide* residents, is meant those who have come to the State with the intention of residing permanently in it, to make their perpetual home in the State, and to identify themselves, with all their hopes and prospects, with the destiny of the country—to such persons the Constitution guarantees protection in their property. But it is not intended for the protection of the adventurer, who, leaving family, kindred, and the sacred ties of affection at home, has sought his fortune in the rich fields of enterprise in California, but to return loaded with wealth to his native land. *Bona fide* residents, means those who in good faith reside in the country; not those who expect soon to return, and who feel no interest in the permanent prosperity and happiness of the State. Since the Constitution secures to foreigners of this class, protection, it follows that the State may withhold her protection from foreigners who are not *bona fide* residents of the State, and who are mere adventurers seeking their own aggrandizement.

The presence of this class of men among us is not necessary to our happiness, but is destructive of the best interests of the State, and dangerous to its peace. The State may constitutionally impose such restrictions upon them as may diminish their increasing numbers, or wholly exclude them from coming among us without opposing the free operation of the naturalization laws, and in strict accordance with the Constitution. The

question is: does duty to our own citizens and the true interests of the State, require that this shall be done? We think it does.

It may well be doubted whether these copper-colored Asiatics can, under our Constitution and laws, ever become citizens. We think they cannot; they are not "free white persons." Their language, religion, and moral sentiments differ so widely from our own, that they cannot easily amalgamate. They seem to constitute a distinct race or caste of the human family, with which the European races can have but little affinity, if indeed they can ever commingle on the basis of common equality.

The necessity of legislative action, that may secure to our citizens the benefits and advantages which are or may be derived from our mineral resources, is apparent.

We present the first instance in the history of the world, where the European race has been brought in close proximity with that of Asia; and however desirable it may be, in a commercial or philanthropic view, to open wide the gates for the ingress into our country of the inhabitants of Asia, whether it be as the means of placing in our hands the valuable commerce of those populous countries, or that, by the return of the immigrants to their native country, after having sojourned with us and become acquainted with our manners and customs, a more liberal policy of intercommunication may be adopted by the Asiatic governments. Still we must not be insensible to the great evil and danger to be apprehended from an unrestrained license being enjoyed by the inhabitants of those populous countries, which are in our immediate vicinity, of coming within our jurisdiction, entering into our mineral region, and enjoying all the privileges and benefits of citizens, whilst our citizens are prohibited, not only from similar privileges, but their admission into those countries is entirely inhibited.

Your Committee do not find that any treaties exist between the United States and Asiatic countries from which adventurers come, except *China*; nor by that treaty are Americans, except in certain restricted portions, at liberty to reside in.

Your Committee can do no less than refer to the notorious facts, that the immigration of Asiatics to this State, is without a parallel in the history of our country. They come not as freemen to seek an asylum from the oppressor, or with a motive to become citizens; but they come here as the serfs or hirelings of a master, not only to labor for his benefit while here, but under a contract with security for their return.

They are brought here on contracts made in a foreign country, and under the influence of a superstition, which no legislative action of ours can materially affect.

A system of foreign serfdom is being imposed upon us; not in accordance with the fundamental principles of our government, but in direct opposition to all those principles of equality so deeply implanted in the



mind of every true born American. The migration of certain persons into such of the States of this Union as might recognize such importation, was only *suffered* by the Constitution of those States for a limited period.— Thus showing, that even at the time of the adoption of the Constitution of the United States, the system of foreign serfdom was repugnant to the principles of our government. And if the people of the United States were disposed, at that early period, to inhibit the migration into the territory of this Union, of that class of persons, when under the control and management of its own citizens, how much more are we called upon to provide for its suppression within our State, when exclusively in the hands of foreign governments or their subjects.

If we neglect to provide by the enactment of judicious laws, for that protection which our citizens demand against those threatening hordes which are daily arriving in our mines from the western shore of the Pacific, may we not apprehend dangerous collisions which will not only prove injurious to our credit and character, but may also interrupt our commercial relations with China, and retard, if not prevent, the realization of our sanguine expectations of becoming the medium through which not only America, but Europe, will continue that commercial intercourse which has ever been a source of wealth to those nations which have been engaged in it.

While, on the contrary, if by means of legal provisions we can restrain within proper limits, this intercourse which has so suddenly been called into existence and grown with such unprecedented rapidity, thereby avoiding dangerous collisions, we may secure the advantages of one and prevent the evils of the other.

From the best information your Committee can obtain, they believe there is not less than four hundred millions of inhabitants in the countries whose people are rendered subject to the provisions of the law we propose to enact. We find that labor in China is worth from four to ten cents per day; the highest price being given for mechanical labor. Labor is so abundant, that animal power is scarcely used. Instead of carts and drays, goods are transported by human beings. It is considered an act of great generosity on the part of the wealthy, to employ labor at all.

We see the fine clipper ships now making the run from Shanghai or Hong Kong to San Francisco, in little over one month. The *Challenge* reached San Francisco a short time since, in thirty three days from China, and in less than twenty days from Japan. In twelve months, a line of steamers may be laid on between San Francisco and China. In two years, we may expect it will take at least twenty of our finest steamers to do the carrying between the two countries. They can afford to transport passengers and freight from China, lower than from any other part of the globe. They employ the Coolies as firemen and deck hands, for nearly nothing, and the Sandwich Islands will afford provisions at a very low price. We see it stated that the provisions necessary to support a Coolie from Hong Kong to San Francisco, costs \$4 75 for forty days. Steamers such as the *Golden Gate*, will make the run in twenty five days; thus

reducing the price of provisions to two dollars. Estimating passage at thirty-five dollars, the cost on landing at San Francisco in the steerage, will be thirty-seven dollars. When he reaches here, he is told he has as many privileges as the President of the United States; for his countrymen are ready to magnify his rights and importance, unless he is one of the serfs who come under contract. If so, he has in all probability, left his wife and children in pledge for the faithful performance of his obligations. He is then informed if he will faithfully perform them, he will have an opportunity of making his fortune when his term of service shall expire. We thus see the China serf working side by side with the American freeman, whose father stood by Washington in the days of the revolution, and who stood himself by the colors of his country in the war that gave us this lovely land. We are compelled to look forward to the hour when this will not be tolerated by the American miners; for they consist of the most intelligent citizens on this continent, (who understand their rights just as well as they are understood in the Senate Chamber,) and who will not be degraded by laboring side by side with Asiatic slaves.

Your Committee learn, from reliable information, that an immense emigration from the old States will reach California this year, both by sea and land. We also learn that myriads of tawny serfs are embarking for our shores, from various ports in Asia, who will cover our land like the locusts of Egypt. They will meet our brothers and relatives in the rich mining regions—laying claims to mining locations, to the exclusion of our own people. It needs no Solomon to predict the result. Disputes will take place, blood will flow, to be followed by the expulsion of a population, who will then be driven from the State by violence instead of law. This can now be prevented by the passage of salutary laws, prohibiting this class of foreigners from occupying the mines; which should be preserved for our own countrymen, or those who approximate so nearly to us, that they may become one of us, in feeling, sympathy and friendship.

The Coolie does not settle in California with the intention of becoming a citizen. They do not bring with them their wives and children. They come to extract from our richest mines, its golden treasure. They spend little of it for necessities, and none for luxuries. They use their own clothing, and almost entirely their own food—rice being the principle article. Thus we see, the money they obtain by the liberality of our institutions is withheld from commerce and goes directly into the hands of their masters for shipment to China. It would be some consolation to us, if we could see it swell the monthly shipments made to the old States; for, notwithstanding the neglect with which we have been treated by the General Government, we still bear that warm, filial affection to the land of our birth and to the whole Union, which forms the principal feature in the character of the American people.

In the treaty made by the United States Government and China, the citizens of the United States were permitted to live only in five cities or towns, and in no other part of the Empire. They are not allowed even to travel from one of those towns to the other, except by water.

Here, without any stipulations, they are permitted to take possession of our richest mines, to the exclusion of American citizens : ship our treasure to China without any restriction whatever. "Charity begins at home," and the Committee are of opinion that we have citizens enough of our own, who are devoted to our institutions, who love their country, and will stand by her in the hour of need, upon whom we should bestow favors, rather than upon Coolies, who are the slaves of some master, opposed to the interests of our country, and who do not understand our institutions.

The Committee believe that nothing but evil can flow from the course of policy now pursued by this State, relative to the Asiatic immigration. They are clearly of opinion all parties would be benefited by prohibiting the excessive influx of that character of population.

Your Committee would not recommend the adoption of any policy which could disturb the harmonious commercial relations now so happily existing between this country and China. Our nation looks forward, with animating hope, to an extension of that commerce.

It is destined to be the means of enriching us, and giving us a commanding supremacy on the broad Pacific. Our example and influence may become the means of Christianizing the heathen nations with which we may have intercourse, and of spreading among them the enterprise and advancing spirit of the age in which we live. Through our influence, the lights of Christianity and of Science, the genius of Republicanism, shall be cast back to illumine the dark spots in the Eastern hemisphere, where Science once blazed, but where Superstition now in triumph reigns.

Your Committee appreciate too highly our commercial position, and the inestimable value to our State and nation, of liberal and extended commerce, to do any thing to check its firm and rapid growth. But they do not believe the thousands of Coolies now coming to the State, come by permission of their government, or under its protection, or by its authority. On the contrary, your Committee believe China has, at all times, prohibited the migration of subjects of the Chinese Empire into foreign countries. The prohibition of such adventurers among us, from China, would accommodate that government, rather than give cause of offence, if her past policy still be pursued.

Your Committee believe the permanent peace, prosperity and happiness of the State, and the rights of her citizens, and the true dignity of white laborers among us, all conspire to forbid the immigration of Chinamen among us. They cannot become citizens. They cannot be slaves in the State, under the Constitution. We want no subordinate grades in a *free* State, where all men should be freemen. Then labor will be honorable, and every operative be a freeman.

But many thousands are already among us ; if not invited here, at least encouraged to come. We cannot recommend any harsh measures ; a mild, yet efficient policy, should be adopted. As the inducement in the mines led them to come here, we should at once exclude all Chinamen

from the mines, working on their own account, or for others. This your Committee believe, is a measure Constitutional, just, and imperatively demanded by the people. If this policy be adopted, and all contracts for servitude under which they came to the State, be declared void, they will soon seek their native home. For a reasonable time, they should have the privilege of remaining under the protection of the laws. But, if they do not then leave the State, all who prefer to remain should be required to give surety for their good conduct and against becoming a public charge to the State.

The adoption of this policy, it is believed, will accomplish the end desired, in the most peaceful and happy manner, and secure the entire native wealth of California to her citizens and those who may become such.

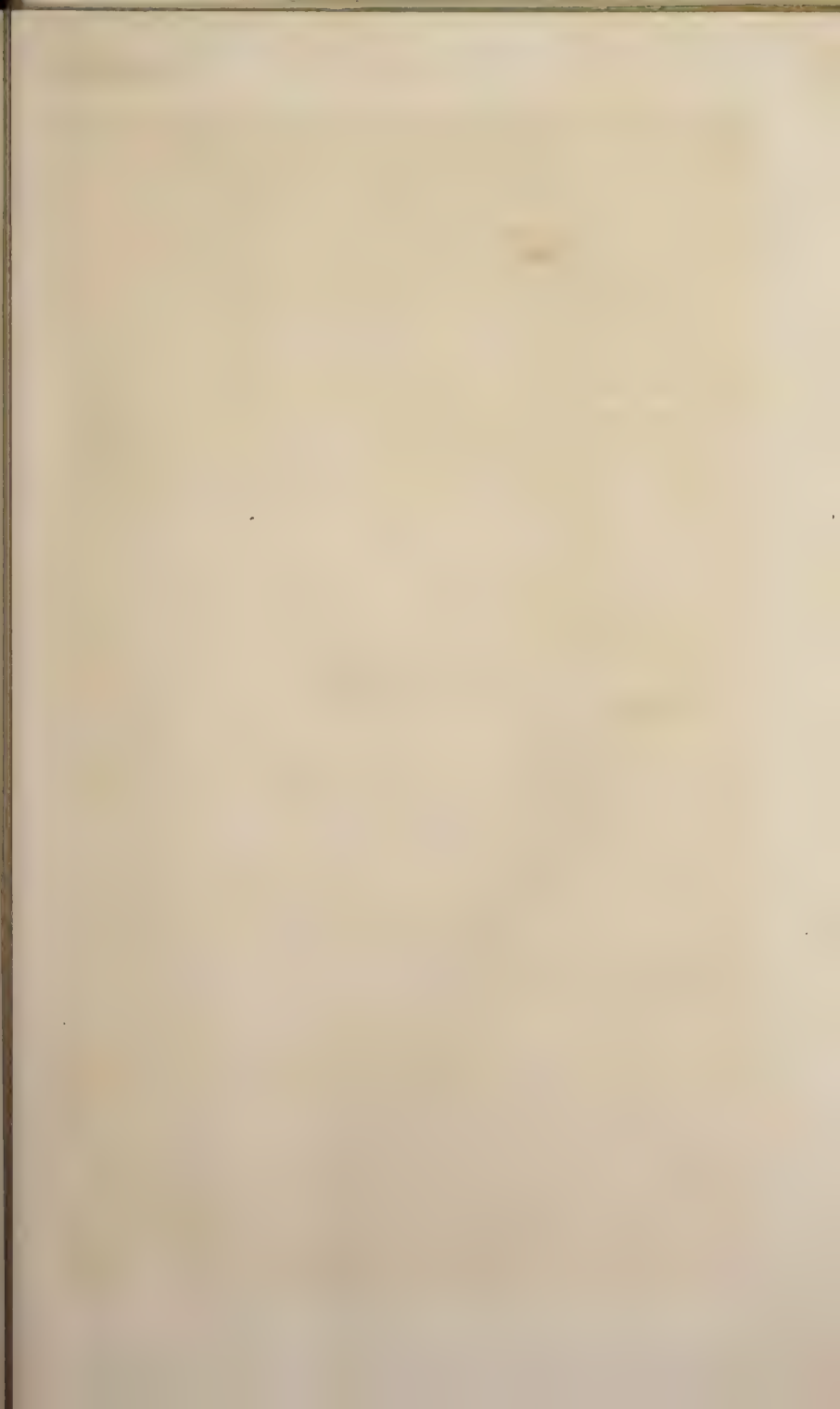
In accordance with these views, your Committee report a Bill.

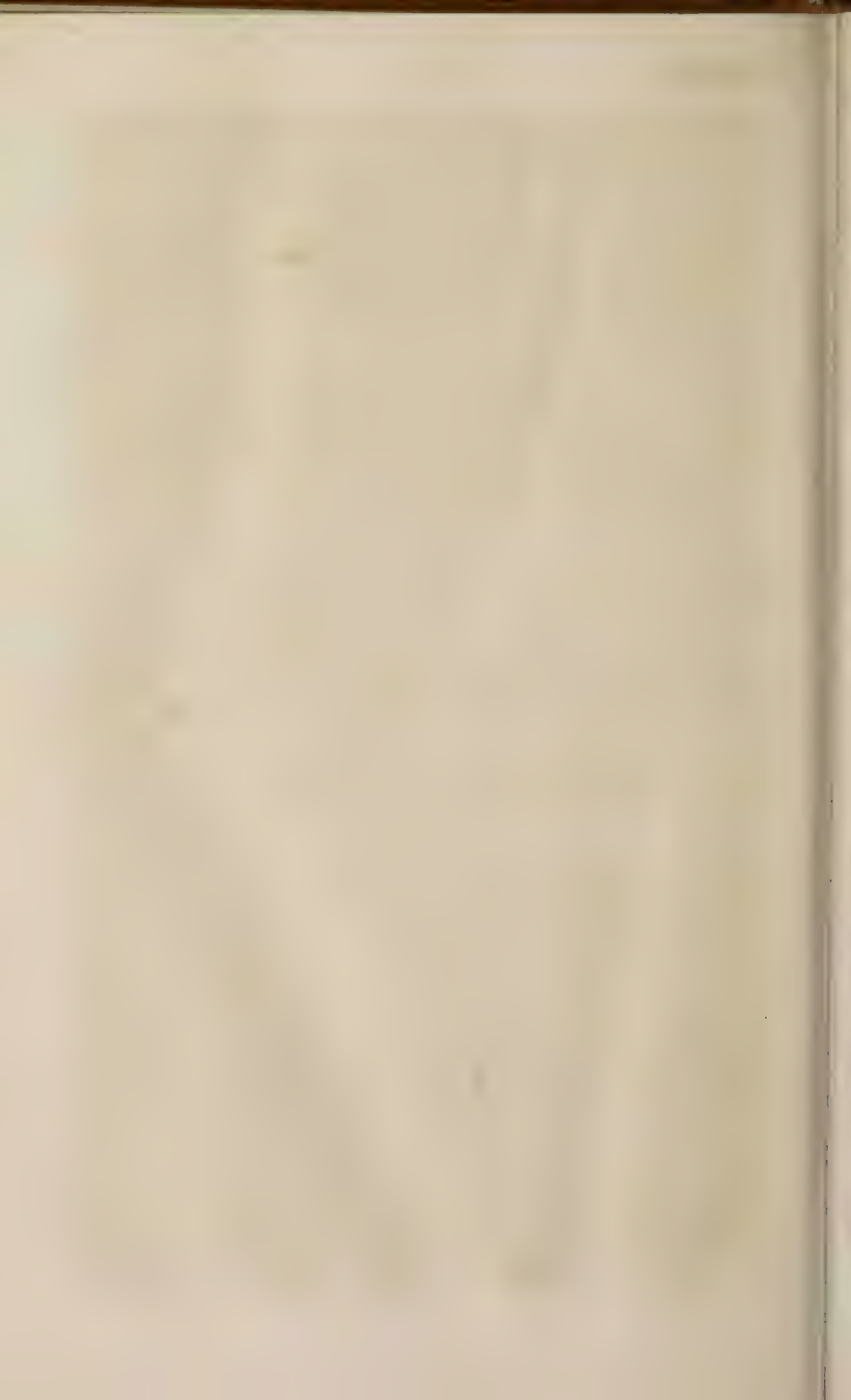
All of which is respectfully submitted.

J. H. RALSTON,  
J. FRY,  
J. M. ESTILL,  
J. J. WARNER,  
FRANK SOULE.



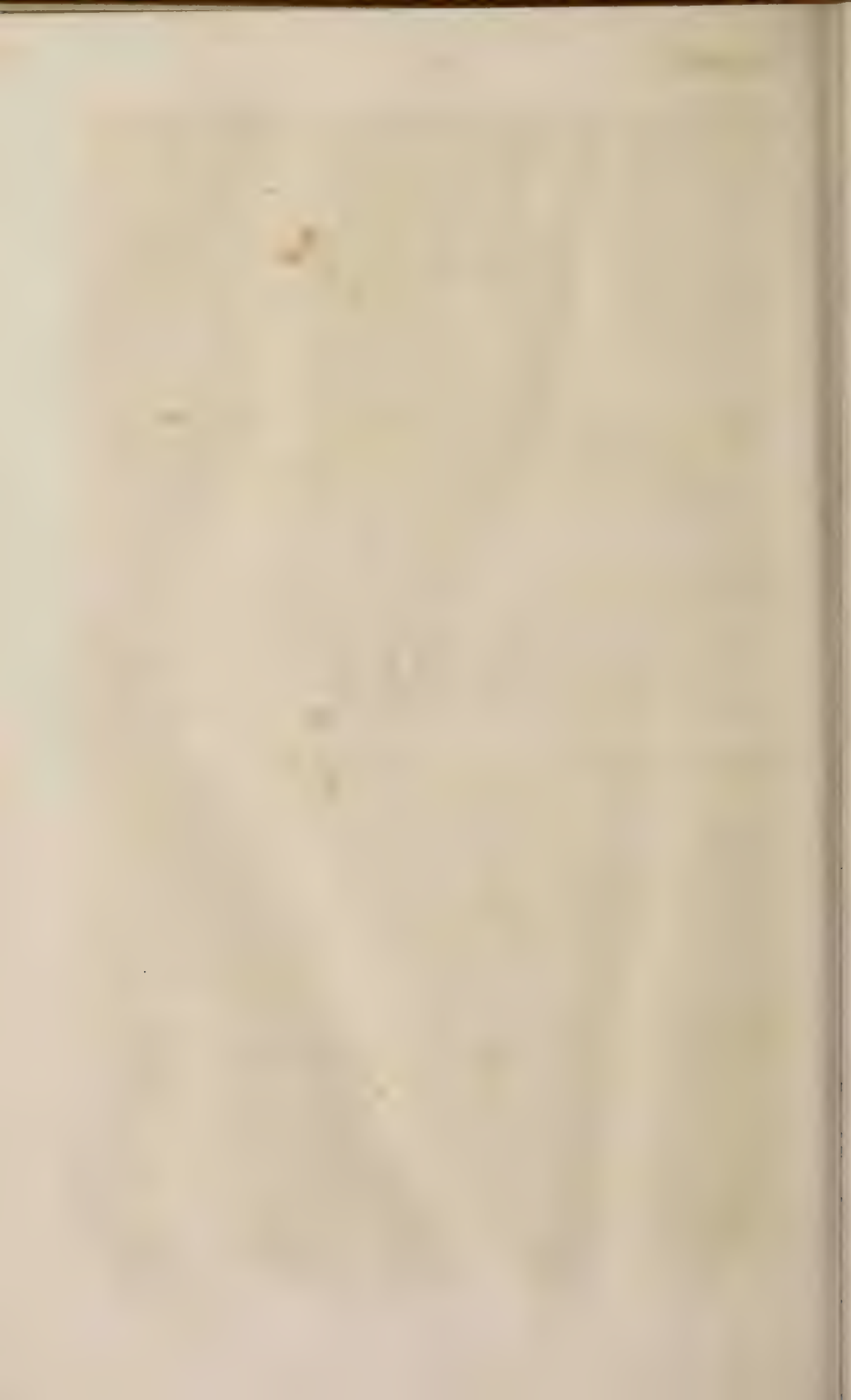






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